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TRANSCRIPT OF BOISE LISTENING SESSION  
OCTOBER 9, 2006

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REPORTED BY:  
JEFF LaMAR, C.S.R. No. 640  
Notary Public

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THE BOISE LISTENING SESSION was held at  
Boise State University, Student Union Building,  
Hatch Ballroom, 1700 University Drive, Boise, Idaho,  
commencing at 10:13 a.m. on October 9, 2006, before  
Jeff LaMar, Certified Shorthand Reporter and Notary  
Public within and for the State of Idaho.

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PANELISTS:

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Governor James E. Risch  
Stephen Allred - U.S. Department of Interior, Lands  
and Mineral Management  
Secretary Dirk Kempthorne - U.S. Department of the  
Interior  
Senator Larry Craig  
Senator Mike Crapo  
Congressman Mike Simpson  
Bob Lohn - National Marine Fisheries Service, U.S.  
Department of Commerce/NOAA  
Dan Witter, Moderator

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THE MODERATOR: Good morning. Good morning.  
Welcome to the 25th of 25 listening sessions in  
cooperative conservation. My name is Dan Witter,  
and I'm privileged to be moderator for today's

5 session.

6 I'm joined on the stage by a  
7 distinguished panel: Governor of Idaho, James  
8 Risch; Stephen Allred, Assistant Secretary, U.S.  
9 Department of the Interior, Lands & Mineral  
10 Management; Secretary of the U.S. Department of the  
11 Interior, Dirk Kempthorne; U.S. Senator Larry Craig;  
12 U.S. Senator Mike Crapo; Bob Lohn, U.S. Department  
13 of Commerce, regional administrator, NOAA fisheries;  
14 and event recorder Jeff LaMar and sign interpreters  
15 Clifford Hanks and May Shauver.

16 And now, as has become almost obligatory  
17 at almost every public gathering, may I please ask  
18 you to turn off your cell phones and pagers unless  
19 you're a medical or emergency worker.

20 As happened at another listening  
21 session, though Tchaikovsky's 1812 Overture is a  
22 stirring piece of music, not so when it interrupts  
23 as a ring tone during our guest listeners' opening  
24 comments. And even when set to vibrate, believe it  
25 or not, these devices can interfere with audio

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1 quality.

2 To begin, I'm honored to introduce  
3 Ms. Kay McCracken, the volunteer musical voice of  
4 the Boise Hawks baseball team. Ms. McCracken is  
5 going to lead us in the singing of our National  
6 Anthem.

7 Join me in welcoming Ms. McCracken.  
8 (National Anthem sung.)

9 THE MODERATOR: I would like to start by  
10 giving a quick preview of our agenda today and the  
11 process we're going to follow. I'll make some  
12 introductions. We'll have some brief opening  
13 comments by the guest listeners on the podium.  
14 We'll then move right into the reason we're gathered  
15 here, which is to listen to your comments on  
16 cooperative conservation.

17 The process we're going to follow is to  
18 designed to hear from as many people as want to be  
19 heard, while giving everyone a fair opportunity to  
20 speak.

21 As you came in this morning, you should  
22 have received an index card with a number on it with  
23 information about cooperative conservation and the  
24 five key questions that we'd like you to focus on.

25 When we get to the public comment

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1 session, I'll call you in order of number. You're  
2 welcome at the microphone at that point. Some  
3 performance jitters are absolutely okay. You need  
4 only speak loud enough so the audience and the  
5 reporter can hear.

6 Please give us your name, spell it if  
7 appropriate, city and state, organization, if you're  
8 representing one. Our event reporter may ask you to  
9 repeat or spell your name if he's had difficulty

10 recording it.

11 We'll capture all the proceedings. If  
12 you're not comfortable speaking today, you can  
13 comment by letter, fax, or go to the website listed  
14 on the card or leave comments in the box at the side  
15 of the room.

16 Now, we're requesting all participants  
17 limit comments to two minutes -- actually, two-and-a  
18 half minutes. It may not seem like much time, but  
19 you will be amazed how much you can say in  
20 two-and-a-half minutes.

21 As you're at the microphone, I'll show  
22 you a yellow card at two minutes and then reclaim  
23 the microphone at about two-and-a-half minutes by  
24 thanking you for your comments.

25 My responsibilities as moderator are,

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1 really, to keep things moving along. I apologize in  
2 advance if I have to abbreviate your comments at  
3 two-and-a-half minutes, but I will keep track of  
4 time.

5 And second, as is almost unnecessary to  
6 remind, ensure that input is civil.

7 Also, given the importance of letting  
8 all who want to be heard the opportunity at the  
9 microphone, we will not be able to answer questions  
10 from the podium or get into an exchange.

11 And now for opening comments, I'm  
12 honored to introduce Secretary of the Interior Dirk  
13 Kempthorne, someone who perhaps needs no  
14 introduction here, but there may be some with us  
15 today new to Idaho.

16 Mr. Kempthorne was confirmed as the 49th  
17 Secretary of the U.S. Department of Interior on  
18 May 26th, 2006. Prior to his confirmation as  
19 Secretary, Mr. Kempthorne served nearly two terms as  
20 Governor of Idaho, elected first in 1998 and  
21 reelected in 2002.

22 As Governor, Mr. Kempthorne worked to  
23 develop consensus on management of Idaho's and the  
24 West's natural resources. Before his term as  
25 Governor, Secretary Kempthorne completed a

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1 successful six-year term in the United States  
2 Senate, representing Idaho from 1993 to 1999.

3 And Mr. Kempthorne began his commitment  
4 to public service as the highly-successful Mayor of  
5 the wonderfully fair city in which we find ourselves  
6 today from 1985 to 1992.

7 Secretary Kempthorne has been recognized  
8 by his peers as a national leader, as just one  
9 example of the many leadership positions he's been  
10 afforded by his colleagues. As Governor, he was  
11 elected chairman of the National Governors'  
12 Association in August of 2003.

13 Secretary Kempthorne and his wife,  
14 Patricia, are both University of Idaho graduates and

15 have two grown children, Heather and Jeff. And I,  
16 as a moderator, can tell you it's a treat to be able  
17 to introduce someone for whom I can do no wrong on  
18 title: Secretary, Governor, Senator.

19 Join me in welcoming  
20 Secretary Kempthorne back to Boise.

21 (Applause.)

22 SECRETARY KEMPTHORNE: Thank you very much.  
23 You make this homecoming very special.

24 We have had these 24 listening sessions  
25 all throughout the United States. And this is the

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1 conclusion of them. We were up in Alaska, Maine,  
2 Florida, California, and all parts in between. And  
3 it's been a tremendous process.

4 This is something that really came from  
5 a meeting that I had with other members of the  
6 Cabinet and with the President. We were discussing  
7 a number of these issues, and the President said,  
8 "I'd like you to go out and listen to the citizens."  
9 He said, "I don't want any conclusions until we've  
10 had an opportunity to hear from the citizens on a  
11 number of these issues."

12 And as late as two weeks ago, I was able  
13 to just give the President an update of how these  
14 sessions were going.

15 I'm very impressed by the fact that so  
16 many people take time to come and to sit down, but  
17 then to make known their thoughts. We have a  
18 microphone, and of course every word is recorded.

19 Those who aren't able to complete, the  
20 testimony is still made part of the process. But  
21 we've had hundreds of people, fellow citizens, that  
22 have made their comments. We also have over 20,000  
23 e-mails that have been sent in with comments from  
24 citizens.

25 So all of that will be acquired and

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1 deciphered and ideas brought forward with regard to  
2 them.

3 I'm delighted to be here with  
4 Governor Risch and with Senator Craig and  
5 Senator Crapo. Steve Allred was, at the  
6 nine o'clock this morning, administered the oath and  
7 became our Assistant Secretary of the Department of  
8 the Interior. So I welcome Steve to the team. This  
9 is all a team.

10 And, Bob, it's always good to be with  
11 you.

12 There's some other individuals I'd like  
13 to introduce. Mr. Darren Zabriski.

14 Darren right here, who is a teacher at  
15 Bora High School. Darren received the 2004 Educator  
16 of the Year Award, in 2005 the NOAA American Heroes  
17 Award and Morley Nelson Foundation fellowship, just  
18 to name some of the things which he has achieved.

19 But he and his students -- and he has

20 five outstanding students with him here this  
21 morning. But they do so many things, from bitter  
22 brush and sagebrush planting at fire restoration  
23 sites for elk and deer; yearly sagebrush and native  
24 wild rose seed collection for propagation and  
25 planting at rehab sites; participates in the yearly

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1 Boise River cleanup projects; native plant rehab  
2 projects on the Little Salmon River, Brown Valley  
3 Creek, Four Mile Creek, Meadows Creek; construction  
4 of 63 kestrel boxes, 48 barn owl boxes, over 200  
5 wood duck and goose platforms.

6 I mean, this is an example of the next  
7 generation being so totally involved in this  
8 wonderful environment that we have.

9 So, Darren, would you and your students  
10 stand so we can acknowledge you.

11 (Applause.)

12 SECRETARY KEMPTHORNE: Thank you very much  
13 and continued success.

14 And to the students as you continue to  
15 go forward, why, we wish you well with your  
16 continued education. Remember, Idaho is the center  
17 of the universe. So thank you very much for being  
18 here.

19 I'll also just make note that, as many  
20 of you know, because of my involvement over the last  
21 many years as Governor, on many of the issues that  
22 are certainly pertinent to the Department of the  
23 Interior I, was required both by the White House and  
24 by the Senate to recuse myself on a number of issues  
25 for 12 months. So I still have seven months

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1 remaining. Doesn't mean I can't hear from you. But  
2 I just cannot participate in the discussion and the  
3 decisions until that point has arrived.

4 When you multiply this all across the  
5 country and you see the full spectrum, we'll hear it  
6 today, where we may have people that have differing  
7 views and different suggestions. But that's what we  
8 need to hear.

9 The President has said, quote, "We  
10 believe cooperative conservation is the best way to  
11 protect the environment. This means we must focus  
12 on the needs of states and respect and acknowledge  
13 local authorities and welcome the help of private  
14 groups and volunteers."

15 He also said that through cooperative  
16 conservation we're moving away from the old  
17 environmental debates that pit one group against  
18 another and towards a system that bring citizens of  
19 every level of government together to get results.  
20 That's what we're trying to foster. Because we all  
21 know that we've had conflict through years on a  
22 number of issues. We've had years of litigation.  
23 Not much results in many instances.

24 So how can we continue to create this

25 atmosphere with regard to conservation that is  
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1 cooperative so that we can leave the rhetoric  
2 outside and we can come in and we can achieve  
3 results? We've seen it happen here in Idaho. We've  
4 seen it throughout the United States.  
5 And that's what we're gaining here is a  
6 record so that we can look at new ideas and new ways  
7 to maybe incorporate it.  
8 What we want to know with regard to the  
9 Federal Government, what are we doing right? Where  
10 do we need to make improvements? Is the Federal  
11 Government being an effective partner with State,  
12 local, tribal governments? Is the Federal  
13 Government being a good partner with local  
14 landowners, respecting private property rights,  
15 encouraging those landowners and many of the  
16 cooperative conservation efforts.  
17 How are we doing on the Endangered  
18 Species Act? Do we have the appropriate emphasis on  
19 recovery? Have we seen the recovery that should be  
20 taking place? What else should we be doing? What  
21 are the thoughts on this?  
22 So this is the opportunity for us to go  
23 and ask the American citizen for his or her comments  
24 and thoughts.  
25 I look forward to listening to you.

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1 Again, it's a joy to be back in this wonderful  
2 state.  
3 As I've traveled throughout the United  
4 States, there are often scenes that remind me of  
5 Idaho. And often they're the beautiful scenes, and  
6 it just reminds me what a great state we have and  
7 the people that we have here.  
8 People like these young students that  
9 are involved, so bright and giving back already at  
10 the young age to a state and country which they  
11 love.  
12 With that, it's my pleasure to introduce  
13 to you the 31st Governor of the State of Idaho,  
14 somebody that I've had the pleasure of working with  
15 for a number of years, somebody who was my partner  
16 when I was Governor and he was Lieutenant Governor,  
17 and somebody who now has stepped in as the leader of  
18 this great state and is doing a great job in leading  
19 this great state, somebody that I'm proud to call my  
20 friend and somebody that I'm proud to introduce to  
21 you as our Governor: Jim Risch.  
22 (Applause.)  
23 GOVERNOR RISCH: Thank you, Mr. Secretary.  
24 As you can see by the warm welcome that  
25 you received here, you are welcome here and we

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1 consider you one of our own and we're so proud of  
2 what you're doing. It's really important that you  
3 come here, and it's altogether appropriate, inasmuch

4 as two-thirds of the land mass of the state of Idaho  
5 is owned by the Federal Government.

6 As you know, when we discussed this with  
7 our colleagues back East, they have trouble  
8 comprehending that and sometimes they say, "Well,  
9 how can you operate like that?"

10 I say, "Well, that's a good question."

11 But as you know, the United States  
12 Constitution says that every state will be admitted  
13 to the Union on equal footing. And when you look at  
14 the acres that the Feds owns in the Eastern states  
15 versus the Western states, it turns out that some  
16 states were more equal than others when they were  
17 admitted to the Union. In any event, we have this  
18 situation and we have to deal with it.

19 Idaho has some magnificent lands and  
20 some magnificent species. In Idaho we've upheld our  
21 end as good stewards of the land and the species  
22 under the Endangered Species Act, but the Act has on  
23 occasion let us down. And most notably and most  
24 recently in the case of wolves. And you know where  
25 I'm going with this.

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1 Once a species is recovered  
2 biologically, it should be delisted. About 10 years  
3 ago wolves were brought in as an experiment against  
4 the wishes of the Governor of Idaho, against the  
5 wishes of the Legislature, against the wishes of a  
6 lot of Idahoans. But nonetheless, they were  
7 introduced here, reintroduced here. And since then,  
8 of course, they have become a very difficult  
9 problem.

10 Now, they are truly a magnificent  
11 species. There is no question about that. But they  
12 are an animal, like all the other animals that we  
13 have here in Idaho. And they are an aggressive  
14 predator, just like mountain lions and just like  
15 bears.

16 But interestingly enough, we in the  
17 state of Idaho have over a 100-year history of  
18 managing bears and lions, and we have done so very  
19 reasonably and very responsibly. And as the Chief  
20 Executive of the State, I can tell you that it is  
21 the policy of the State that we want to have wolves  
22 delisted so that we can aggressively manage that  
23 species just as we have with other species like  
24 bears and cats, and do so with a balanced approach  
25 and an approach that recognizes that they need to

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1 exist along with the species that we have over many  
2 decades been managing as our favorite species for  
3 hunters, and that is our elk population.

4 Under present circumstances, it is very  
5 difficult to do that. When delisting occurs, we  
6 believe -- and I can tell you as the Chief Executive  
7 of this state, I feel very strongly that we will  
8 responsibly and well-manage wolves just as we do

9 every other species.  
10 Idaho has demonstrated its ability to  
11 get ahead of the curve and handle this. Two  
12 examples of this are sage grouse and the slick spot  
13 peppergrass. The State Park, Federal, local, and  
14 private stakeholders and impacted citizens in both  
15 cases, the result was a collaborative conservative  
16 conservation plan for each of them.

17 The plans marshal the resources of  
18 government in the private sector to protect each  
19 species in the habitat that they rely on. Just  
20 recently I had the honor of signing the plan for the  
21 sage grouse.

22 We have demonstrated that states can be  
23 responsible and protect species in lieu of Federal  
24 protection. However, getting ahead of the curve  
25 isn't good enough anymore. Our efforts to

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1 proactively protect species have on occasion been  
2 frustrated by litigation.

3 The truth is litigation is not the  
4 answer. The truth is litigation won't protect. But  
5 it's going to be collaborative work, like we have  
6 done recently in many different areas, that is going  
7 to give us -- when I say "us," I mean all Idahoans.  
8 Regardless of what part of the spectrum that they're  
9 on, it's going to give us all victories in taking  
10 care of these species.

11 Idaho is blessed with many natural  
12 wonders. I take my responsibility and Idahoans take  
13 their responsibility to protect and manage those  
14 wonders for today and for tomorrow seriously,  
15 understanding that many species and people share and  
16 depend on these lands.

17 Mr. Secretary, we know that you know  
18 Idahoans are good stewards when we are given the  
19 chance. Please take the message back to Washington,  
20 D.C., and don't let them forget it. Thank you very  
21 much. Thank you for joining us.

22 (Applause.)

23 THE MODERATOR: Thank you, Governor Risch.

24 We appreciate the Governor's presence  
25 here this morning, despite the fact that his

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1 schedule may demand his presence elsewhere, we  
2 certainly do appreciate his comments this morning.

3 To continue opening remarks, I have the  
4 distinct honor of introducing Stephen Allred,  
5 Assistant Secretary, U.S. Department of the  
6 Interior, Lands & Mineral Management.

7 Join me in welcoming the new Assistant  
8 Secretary.

9 (Applause.)

10 MR. ALLRED: Well, it's a pleasure to be here  
11 to join on my old watch and as Secretary and looking  
12 at some of the problems as we go forward, I think  
13 it's those many of you who know me here, and what I



14 find is a solution to the many problems that we face  
15 are the kind of communications that are facilitated  
16 through these kinds of discussions.

17 So while I'm the newest one here on the  
18 stage, I look forward to learning and to listening  
19 and appreciate the views that are presented. Thank  
20 you.

21 (Applause.)

22 THE MODERATOR: Thank you, sir.

23 And to continue the opening remarks,  
24 it's a high honor to introduce U.S. Senator Larry  
25 Craig.

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1 Join me in welcoming Senator Craig.

2 (Applause.)

3 SENATOR CRAIG: Dan, thank you very much.

4 Mr. Secretary, welcome home. I  
5 certainly appreciate and associate myself along with  
6 the remarks of our Governor in welcoming you back  
7 and having you here and visiting the last of what I  
8 think has been for you and I hope for our country a  
9 very important process in listening to the concerns  
10 of our citizens as it relates to the Endangered  
11 Species Act.

12 It must be said -- and I say it and I  
13 say it quite often -- I believe in the Endangered  
14 Species Act, the law itself and what it was intended  
15 to do.

16 The great frustration that I think many  
17 of us face today is the inapplication that  
18 oftentimes has frustrated or changed a great deal of  
19 what we intended it to be. I say that and I believe  
20 it very strongly.

21 You can support the law, but now we have  
22 in this instance, you know, advocate judges and  
23 radical interpretations of regulations that have put  
24 us in the position of dictating individual species  
25 reclamation, if you will, at the broader expense of

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1 damaging other species, habitat, and in some  
2 instances society itself.

3 The law did not say that. The law never  
4 intended for that to happen. And yet today, over a  
5 process of time and court decisions, that is where  
6 we are.

7 Collaborative conservation works. It  
8 should work, because when it is properly applied, it  
9 changes adversaries into allies. And for Idahoans,  
10 in the caretakership of this beautiful state, that  
11 is exactly what we all want to be.

12 But oftentimes the Act itself, the  
13 Endangered Species Act, Mr. Secretary, chooses and  
14 selects at the expense of others instead of building  
15 that kind of cooperative relationship that it  
16 should.

17 We are just in the fifth year of a very  
18 effective school act. It's a bill that bears the

19 name Craig Widen in Idaho or Widen Craig in Oregon.  
20 Whether it is significant or not, the  
21 thing that has happened there that few have recorded  
22 is that over 2500 decisions have been made in a  
23 cooperative fashion by all the stakeholders about  
24 activities on public lands that have never been  
25 brought to court.

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1 That is a phenomenal record to  
2 demonstrate that, in fact, we can come together.  
3 But we can't come together if a law or a judge puts  
4 one over the other or one species over all others.

5 This summer, now that it has cooled and  
6 rains have come to the high country, the Statesman  
7 newspaper bore it out this morning, Mr. Secretary,  
8 800,000 acres of Idaho burned this year, and nearly  
9 double the acres nationwide.

10 It is very obvious to me that in our  
11 pursuit of the tree, we have forgotten to look at  
12 the forest.

13 I would hope that these hearings, your  
14 listening, our looking at the record along with you  
15 as members of Congress, can cause us to, in fact,  
16 craft adversaries into allies.

17 Thanks for being here, Governor.

18 (Applause.)

19 THE MODERATOR: Thank you, sir.

20 And I have the privilege as well to  
21 introduce U.S. Senator Mike Crapo. Please join me  
22 in welcoming Senator Crapo.

23 (Applause.)

24 SENATOR CRAPO: Thank you very much, Dan and  
25 Dirk. That's the title I like to call you.

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1 It really is an honor to be here with  
2 you today. I want to thank you and the Bush  
3 administration for holding these cooperative  
4 conservation listening sessions across the country.

5 I was in St. Louis at the White House  
6 conference on cooperative conservation, and it's now  
7 great to be here in Idaho for this concluding act,  
8 concluding hearing of the listening sessions. I  
9 think it's only appropriate. There's no better  
10 place than here in Idaho to hold it.

11 In Idaho, as in many places, we have a  
12 number of environmental challenges that require us  
13 to work together. You've heard about some of them  
14 already: maintaining and preserving species  
15 habitat -- and there are some examples. The  
16 obvious: the salmon, the slick spot peppergrass, the  
17 sage grouse, and others. The development pressures  
18 that we see now on private lands. The maintenance  
19 of recreation access that is so important to so many  
20 Idahoans. Preserving local jobs and the way of life  
21 for so many families here in Idaho.

22 It's a constant quest to try to maintain  
23 the balance, and cooperative conservation is the way

24 that we will achieve it.  
25 I agree with those who say that although

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1 litigation can help, one interest group or one  
2 perspective prevail on one issue at one time. But  
3 we have found that in terms of resolving these  
4 important issues and finding a balance, the  
5 litigation has perpetuated conflict rather than  
6 helping us to find a balance that people with buy  
7 into and accept.

8 I'm a very strong advocate of  
9 cooperative conservation, and I just want to talk  
10 about a couple of examples that I've been involved  
11 with.

12 You've heard already a lot about the  
13 Endangered Species Act. As you know, last year I  
14 introduced the collaborative recovery of the  
15 Endangered Species Act to remove barriers and to  
16 better enlist states and private landowners in  
17 species recovery actions under the Act, through work  
18 with the Senate Finance Committee and a diverse  
19 group of interests on all sides of the issue to put  
20 together this legislation.

21 I'm also working on companion  
22 legislation to implement substantial incentives in  
23 the tax code to implement recovery work for species  
24 under the Endangered Species Act. It's an  
25 incentive-based conservation approach that rewards

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1 landowners who contribute to conservation, not only  
2 with tax benefits, but also with lower transaction  
3 costs to enter into E.S.A. agreements and liability  
4 protection for contributing to recovery of species.

5 The reason I bring this up is because,  
6 as we all know, that the Endangered Species Act is a  
7 battleground and has been a battleground in America  
8 in many different contexts for years. You've heard  
9 about some of those battles that we're facing here  
10 in Idaho today. But in the discussions that I've  
11 had and that many of us have had with people from  
12 different perspectives on the issue, there are areas  
13 under the Endangered Species Act where we can find  
14 agreement. And when we can find those areas of  
15 agreement and move forward without the conflict,  
16 without the litigation, we should do so.

17 I believe that we've been able to find  
18 some in the legislation I've referenced, and I  
19 believe we'll be able to find more as we pursue  
20 these types of efforts that you are leading. And I  
21 thank you for that.

22 The last thing I want to mention, and I  
23 suspect everyone knows I'll bring it up, is the  
24 Owyhee initiative here in Idaho. I know that you're  
25 very familiar with it, Mr. Secretary. But this is a

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1 comprehensive land management bill that's the result  
2 of five years of a collaborative effort between a

3 remarkably diverse group of stakeholders: local,  
4 State, and Federal Governments; the tribes; the  
5 ranchers; hunters; outfitters; motorized  
6 recreational users; and conservationists.

7         They've worked together to resolve  
8 decades of heated land-use conflict in the Owyhee  
9 Canyon lands, and they have made a groundbreaking  
10 breakthrough in terms of finding a solution that can  
11 build win-win opportunities for each of these  
12 interest groups.

13         And as we have worked on this and many  
14 of the other kinds of cooperative conservation  
15 agreements, I've learned just a couple lessons. And  
16 I want to conclude with this.

17         It requires all of us to be flexible and  
18 resilient, to be able to get outside of our own  
19 boxes and develop creative win-win solutions that  
20 can be achieved.

21         I agree with Senator Craig that these  
22 types of solutions can be achieved where all sides  
23 are able to advance their interests.

24         Why did it work so well in the Owyhees?  
25 There's just three or four things I want to list,

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1 and we've covered just a lot of others. One, all  
2 interests must be at the table. They must be  
3 represented. Those who are not represented in the  
4 discussions and the agreements will not buy into the  
5 solutions, even if the solutions are good solutions.

6         Secondly, they have to be empowered.  
7 The group must be able to see their work product  
8 move forward. And we've had a tremendous success in  
9 cooperative conservation in the Owyhees because  
10 different ones of us were willing to empower the  
11 effort and make sure that it moved forward.

12         Third, the group needs leadership. And  
13 in the case of the Owyhee initiative, there was  
14 tremendous leadership along the way by many  
15 different people and groups. But we have fabulous  
16 leadership in this process that kept people together  
17 and kept the process moving when traditional  
18 conflicts could have torn it apart.

19         And fourth, it needs to have that local  
20 support. The groups that came to us at the  
21 beginning were those from the local communities who  
22 wanted to find a solution to the decades-old  
23 conflict in their place where they live. And if we  
24 can have those things, we can make it work.

25  
0027

1 suggestions that will be brought forward here today.  
2 And I especially look forward to working with the  
3 administration on trying to find cooperative  
4 solutions and paths forward that will help us  
5 develop these win-win solutions for those interests  
6 that are at stake.

7         Thank you.

8 (Applause.)  
9 THE MODERATOR: Thank you, sir.  
10 And for opening remarks, it's my  
11 privilege to introduce Bob Lohn, U.S. Department of  
12 Commerce, Regional Administrator, NOAA Fisheries.  
13 Mr. Lohn.  
14 (Applause.)  
15 MR. LOHN: Thank you.  
16 I'll be very brief. It's obviously an  
17 extraordinary moment when a fisheries manager and a  
18 salmon guy finds himself on the platform with the  
19 Secretary, Assistant Secretary, two very  
20 distinguished Senators and the Governor of the state  
21 he appears in.  
22 I'm confident it says nothing about me,  
23 but I do believe it says a great deal about Idaho,  
24 that these matters should be gathered today. It  
25 says something about how Idaho values and protects  
0028 its natural resources and that there are valuable  
2 resources to protect. And secondly, it says  
3 something about the management impact that these  
4 resources have and the management of these resources  
5 have on the citizens of Idaho.  
6 When I first took this position, now  
7 more than five years ago, gentlemen on my left and  
8 right admonished me to work with the people to  
9 listen and learn and enact.  
10 Today I'm here in that same spirit.  
11 It's been wise counsel and continues to be valuable.  
12 This, in my opinion, is the way government ought to  
13 work. We're here to listen, to learn, and we will  
14 act.  
15 Thank you for your patience, and we're  
16 eager to hear from you.  
17 (Applause.)  
18 THE MODERATOR: It was Mark Twain, a national  
19 treasure, who could legitimately claim to be from  
20 East, Midwest, or West, who said, "There's nothing  
21 more uncomfortable than a good example." His wry  
22 humor reminds us that good examples encourage us to  
23 strive for excellence.  
24 Here to briefly describe a case study in  
25 exemplary cooperative conservation is Mr. Jim  
0029 Caswell, Administrator of the Governor's Office of  
1 Species Conservation.  
2 Join me in welcoming Mr. Caswell.  
3 (Applause.)  
4 MR. CASWELL: Well, thank you, Mr. Secretary.  
5 Thank you so much for coming to Idaho and holding  
6 this last listening session here in our state. And  
7 thank you for being patient with us. I'm very proud  
8 to be standing up here on this podium with Senators  
9 from my state, former Governor, and my Governor, and  
10 Steve Allred, Assistant Secretary, who we kind of  
11 worked together, at least momentarily when he was

13 administrator.

14 As Idahoans, we all understand the  
15 inherent tensions between preserving and protecting  
16 our natural resources, while at the same time  
17 ensuring the needs of our long-term citizens.

18 And it's been my pleasure to not only  
19 serve both Governors and to watch them struggle with  
20 these issues. And one of the things that has  
21 continuously been brought to the floor is the notion  
22 of how do we be proactive and still be creative  
23 enough around the E.S.A. issue to preserve and  
24 protect Idaho's sovereignty. You have to have them  
25 both.

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1 And so around my remarks today, I'm  
2 going to focus on getting further ahead of the  
3 E.S.A. curve. And when I use the word "further,"  
4 that's exactly what I mean, because Idaho has done a  
5 tremendous job in a lot of areas in dealing with  
6 this law and it's implications.

7 Among the problems are two chief  
8 criticisms. One is that the Act forestalls  
9 extinction, that's all it really does, and rather  
10 than the whole issue of trying to recover species.  
11 We've heard that before.

12 Governor Kempthorne, now  
13 Secretary Kempthorne, tried to change that back in  
14 the late '90s. Senator Crapo is working on that  
15 same issue. How do we move ahead here to achieve  
16 recovery, put some effort into that end of the  
17 business, as opposed to this continuous notion of  
18 going through time and again and trying to list  
19 species?

20 Second area is just a lack of  
21 opportunity afforded the states play a meaningful  
22 role. And both Senator Craig and Senator Crapo  
23 mentioned that issue as well. So I'm going to talk  
24 about those two pieces.

25 In order to address those concerns, you,

0031

1 Mr. Secretary, while Governor, developed the Office  
2 of Species Conservation. That came online in the  
3 2000 legislative session.

4 And as I've worked around in the various  
5 states over the last almost six years now, I think  
6 this is the first and only state in the nation to  
7 have an organization similar to O.S.C.

8 And in the statute, O.S.C. was  
9 envisioned as the natural resource ombudsman for the  
10 state. It provides a forum for the citizens of the  
11 state to speak with one voice on these issues. And  
12 actually, we've become quite broad as we've moved  
13 along here to include rare and declining species,  
14 and we've gotten ourselves sort of embedded in other  
15 issues as well.

16 Realizing that we continuously have been

17 playing from behind the E.S.A. game, O.S.C.  
18 proactively has engaged State, Federal agencies, and  
19 as well as the people most affected by these  
20 decisions to try to try to work through and develop  
21 positive approaches and outcomes.

22 With our partners, we've developed a  
23 series of agreements to conserve and protect species  
24 prior to their listing under the Act. And this  
25 approach has been both successful and brought

0032 1 together willing partners in this relationship.

2 And just let me list a few of the  
3 successes that we've had so far. Southern Idaho  
4 ground squirrels. We have 100,000 acres of private  
5 land in agreements right now to protect that species  
6 in addition to what goes on on State and Federal  
7 lands.

8 Spotted frogs. Here's an example where  
9 there's a win-win. The State of Idaho through the  
10 Department of Lands was able to enter into agreement  
11 with our Fish and Game Department where money  
12 actually exchanged hands so that the endowment  
13 gained. And we've protected frog habitat. Frogs  
14 are thriving as of today. I mean, this was a  
15 win-win for the Federal agencies, the State  
16 agencies, and the permittee and some private  
17 landowners came together to make this happen.

18 Of course, everyone knows the story of  
19 wolves.

20 Sage grouse is another example.  
21 Governor Risch referenced this.

22 We've had reference to slick spot  
23 peppergrass as an ongoing story. It still has been  
24 successful.

25 The Lemhi agreement, its effect on

0033 1 salmon.

2 Clearwater Timber agreement and its  
3 effect on fish, particularly fish in the entire  
4 basin.

5 Sturgeon in the Kootenai River.

6 B.P.A. activities, where we work with  
7 the Northwest Power and Conservation Council to  
8 develop projects and help fund the work through the  
9 B.P.A. funding stream.

10 Pacific coastal salmon funding efforts,  
11 where again we work in concert with all the Federal  
12 partners and private landowners to put projects on  
13 the ground to protect the fish and particular fish.

14 After having been at O.S.C. from its  
15 inception, I've realized that there's a need for the  
16 State to get ahead of the E.S.A. curve, even further  
17 than our previous effort. In other words, we need  
18 to start playing this game in the beginning of the  
19 game rather than in the final quarter.

20 And I think we can do that through a  
21 couple of ideas. One is the creation of a rare and

22 declining species policy in the state. And the  
23 second one is, of course, greater use of Section 6.  
24 Now, our efforts in Congress are working  
25 on some of these things as well. But I've focused

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1 more on the issues associated with administrative  
2 policy, rather than legislative solutions.

3 So let me talk a second about rare and  
4 declining policy in the state. The statute that  
5 created the Office of Species Conservation says --  
6 very quickly -- in there that the O.S.C. will bring  
7 forward to the legislature a status review of rare  
8 and declining species in Idaho. We did that last  
9 session and produced that report.

10 In the prior session, actually the words  
11 "rare and declining" were amended into our statute,  
12 which gives us the authority and responsibility to  
13 broadly deal with those species.

14 As a result of the status review last  
15 session, the Senate and the House resource  
16 committees established a task force to review the  
17 policy implications and to look forward and ahead as  
18 to what kind of policy Idaho needs to get ahead of  
19 the curve.

20 This task force is working right now  
21 together. Progress is being made. We're moving  
22 ahead. I don't know what the outcome will be yet,  
23 but I think we'll see something in the '07 session  
24 of the legislature.

25 In my view, the effect of this policy

0035

1 should prioritize species in the state that are rare  
2 and declining. And furthermore, we ought to work  
3 towards our partnerships to monitor and do research  
4 on these species and, where appropriate, develop  
5 conservation plans in terms of protecting both  
6 populations and habitat.

7 Likewise, we've been engaged for some  
8 time now in working on Section 6 agreements.

9 And, Mr. Secretary, I have to tell you,  
10 this is one of the most frustrating efforts we have  
11 had to deal with. And partly, I believe it's  
12 become -- Section 6 is so short in the law, and  
13 there's very little basic description about what it  
14 means. Therefore, to me, it means we can do a lot  
15 of things. We're not constrained. Yet we  
16 constantly run into a constraint situation, because  
17 without that kind of direction, apparently, agencies  
18 feel like they have to come back to and find some  
19 direction to help them develop these agreements.

20 So while it's been frustrating, we've  
21 learned a lot. We are working well together with  
22 the agencies. We're moving forward. But it is  
23 painfully slow. And it strikes me that it should  
24 not be so painful to do good things for fish and  
25 wildlife.



0036

1               About four months ago the State worked  
2 with some of the Fish and Wildlife Service folks  
3 here in Boise, and we developed a couple-page  
4 proposal and presented that to Dale Hall, the  
5 director of Fish and Wildlife Service.

6               And just recently, within about two  
7 weeks ago, there is a task force now that's been put  
8 together on a national scale. Idaho has been asked  
9 to participate to look at this whole issue of states  
10 working with Section 6, with the Federal agencies,  
11 with the intent of looking specifically at both  
12 policy and procedure and administrative rules that  
13 guide how things are done and what we might do to  
14 streamline and be more effective in this regard.

15              So those are just two ideas. I believe  
16 the state's poised to get further ahead of the  
17 E.S.A. curve through these two vehicles, and I think  
18 we can attain more as we move ahead here in the next  
19 few years.

20              Mr. Secretary, I thank you for returning  
21 to Idaho and listening to the people most affected  
22 by these decisions. And I think our collective  
23 presence here today is testimony to our desire to  
24 build a great partnership with the Department.

25              We urge you to take these ideas under

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1 serious consideration, and I'd ask that you commit  
2 your key staff to work with us here in Idaho to  
3 solve some of these problems. And I thank you again  
4 for the opportunity.

5              (Applause.)

6              THE MODERATOR: Thank you, Mr. Caswell.

7              Now it's your turn. I'll call you in  
8 order of number on your card. As you heard, these  
9 listeners welcome you to the microphone. Please  
10 speak so the audience and event recorder can hear.  
11 Please give your name, spell it, if appropriate;  
12 city and state and organization, if you're

13 representing one.

14              If you're not comfortable speaking  
15 today, simply please don't come to the microphone as  
16 your number is called, but remember, you can give  
17 input by letter, fax, go to the website listed on  
18 the card, leave comments in the box at the side of  
19 the room, all methods of input are weighted equally.

20              Please limit your comments to two  
21 minutes -- actually, two-and-a-half. I'll show you  
22 a yellow card -- a yellow card -- at two minutes,  
23 and then with body English and a gentle look of  
24 urgency try to get you to wrap up in 30 additional  
25 grace seconds, at which point, though it pains me, I

0038

1 will reclaim the microphone by thanking you.

2              And to be sure we hear from all that  
3 want to be heard, we will not be able to answer

4 questions from the podium or get into an exchange.  
5 I invite commenter No. 1 to the  
6 microphone. Indeed, commenters 1 through 5 are  
7 invited to locate yourselves in proximity to the  
8 microphone.  
9 And again, invite commenter No. 1 to the  
10 microphone.  
11 Thank you, sir.  
12 UNIDENTIFIED SPEAKER: Well, thank you.  
13 Thank you very much for the opportunity to be here.  
14 I work for the Shoshone-Paiute tribes.  
15 And Chairman Terry Gibson sincerely wanted to attend  
16 the meeting this morning but was unable to. He does  
17 value the forum and definitely asked me to attend to  
18 provide his comments. So --  
19 SECRETARY KEMPTHORNE: Give him my best.  
20 UNIDENTIFIED SPEAKER: I will. Thank you.  
21 So I wanted to start by explaining that  
22 the Shoshone-Paiute tribes have been promoting  
23 cooperative conservation for a number of years. And  
24 I want to explain really three main things from the  
25 tribe's perspective. I want to be able to explain

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1 how the tribes have promoted cooperative  
2 conservation, provide an example, and then also  
3 provide a challenge to you as far as how you can  
4 promote similar cooperative conservation.  
5 So first the process. The  
6 Shoshone-Paiute tribes have a process of  
7 consultation which is extremely important to us.  
8 It's called the "wings and roots" process. Through  
9 this process we are able to engage with a number of  
10 Federal agencies, including the U.S. Fish and  
11 Wildlife Service, U.S. Forest Service, Idaho Army  
12 National Guard, Idaho Air National Guard, and the  
13 Air Force.  
14 And this is a process that enables us to  
15 sit down at the table with each entity and have an  
16 open and frank discussion on decisions that are  
17 being made.  
18 We don't always see eye to eye between  
19 the tribes and the agency. But what we do is we  
20 have a dialogue and we have a structure in place for  
21 discussion.  
22 And the fruit of our meetings has been,  
23 really no costly environmental litigation has  
24 occurred, and instead we have fostered meaningful  
25 relationships. And through that process the tribes

0040

1 and the Federal agencies have all won.  
2 And I see this as an opportunity to be  
3 expanded. The tribes have really taken ownership of  
4 this process and have benefited greatly, as well as  
5 the Federal agencies as they seek to implement their  
6 government-to-government consultation requirements  
7 with the tribes.  
8 So that's the process that the tribes

9 have used in coordination with the Federal  
10 Government, and it's been very successful.

11 I want to briefly explain two examples,  
12 one of which you already heard from Senator Crapo on  
13 the Owyhee initiative. It obviously is a great  
14 example of cooperative conservation, one that is  
15 near and dear not only to Senator Crapo's heart, but  
16 also to the tribes.

17 It's a process that really has brought  
18 the tribes together with permittees, livestock  
19 producers, the County, and the Federal Government  
20 and environmental groups. By doing this we've  
21 avoided litigation again, and we're benefiting not  
22 only individual groups, but the species and fish and  
23 wildlife that depend on these areas.

24 Finally, I would like to explain how the  
25 tribes have been able to use Federal funding to

0041

1 affect sage grouse management throughout Southern  
2 Idaho.

3 We've used Federal money to inform the  
4 tribal government for the Shoshone-Paiute tribes  
5 when West Nile struck the reservation this year.

6 THE MODERATOR: I'm sorry. I must -- it  
7 pains me deeply, but thank you very much for your  
8 comment. And please do leave any additional  
9 comments in the box at the side of the room. Thank  
10 you very much for your comment.

11 Invite No. 2 to the microphone. 2? I  
12 see no movement by 2.

13 3?

14 4 is invited to the microphone. Is  
15 there a 4? We can all go home now.

16 No. 5, please. 5 is invited. Thank  
17 you, sir.

18 MR. NICK HELM: Thank you.

19 Senator Craig, Senator Crapo, and  
20 Governor Risch and others, I'm going to direct my  
21 comments to Secretary Kempthorne.

22 Thank you for this opportunity. My name  
23 is Nick Helm. I represent Sportsmen for Fish and  
24 Wildlife Idaho, an Idaho-based hunting and fishing  
25 group with nine chapters all across the state and a

0042

1 growing membership that exceeds 5,000 sportsmen.

2 Sportsmen are Idaho's conservationists.

3 As you know, sportsmen plan Idaho protection,  
4 perpetuation, propagation, and management in Idaho.

5 We care about the future, and have  
6 demonstrated that with our willingness to pay for  
7 protection. My focus in my comments today center on  
8 the Endangered Species Act.

9 The Endangered Species Act is harming  
10 Idaho's hunting and fishing heritage and  
11 jeopardizing its future.

12 Secretary Kempthorne, as Senator, you  
13 proposed appropriate changes to the Endangered

14 Species Act and even visited my Nampa high school  
15 students to share your vision.

16 When you served as Idaho's Governor, I  
17 listened to you and your staff express frustration  
18 with the Federal bureaucratic time lines and  
19 process-protracting administrative language.

20 Today this administration has asked a  
21 long list of "how can" questions. Here is very  
22 quick sportsman's thoughts.

23 Please, please give Idaho the ability to  
24 set its own conservation course without the Federal  
25 handhold. We cannot drag the Federal bureaucracy

0043

1 along as fast as needed to be timely in management  
2 implementation.

3 We need administrative and legislative  
4 help. We have a ready support team. We need to be  
5 given the reins.

6 Thank you for all you do for Idaho and  
7 sportsmen, and thank you for this opportunity.

8 THE MODERATOR: Thank you, sir.

9 Nos. 6 through 10 are invited to locate  
10 yourselves in proximity to the microphone.

11 Please, No. 6. Thank you, sir.

12 MR. MARV HAGEDORN: Thank you for the  
13 opportunity to address you. This is really a forum  
14 that's kind of unheard of that I've ever been able  
15 to attend in the state, and I appreciate that.

16 My name is Marv Hagedorn. I'm the vice  
17 chairman for Sportsmen for Fish and Wildlife for the  
18 state of Idaho. And we hired Nate from Larry  
19 Craig's office because he eloquently speaks very  
20 well for sportsmen.

21 I am here to let you know that I just  
22 came out of the woods after a week of hunting, which  
23 was just great. Anytime you spend a week hunting in  
24 Idaho is always great. And we call it "hunting" and  
25 not "catching" because that's what makes it great.

0044

1 I get phone calls daily from sportsmen  
2 around the state. And our woods are devoid of  
3 animals that used to be in the woods. We have a  
4 very urgent matter that needs to be addressed.

5 And, Mr. Secretary, you and I have  
6 spoken before about the ability of our state to  
7 manage the predator and prey ratio that we have of  
8 the natural resources.

9 Wolves are an unmanaged predator.  
10 There's nothing wrong with wolves. We all love to  
11 see wolves in the woods. However, we also love to  
12 see elk and deer and moose and other prey species in  
13 the woods.

14 And it is unbelievable. The week I  
15 spent between Dixie and Salmon River was the most  
16 unbelievable hunt I've ever experienced in our  
17 state. It was devoid of animals. We hunted in the  
18 snow. We hunted in the rain.

19                   And I use this as an example because I  
20 hear this from hunters all over the state. Not that  
21 hunters complain about the fact that they aren't  
22 catching the animals; hunters are very concerned  
23 about the unguals of our state and if those species  
24 are going to survive the fact that we've not been  
25 allowed to manage our wolf population.

0045

1                   The 10(j) rule change was very good, but  
2 it's had minimal impact on the wolves preying on all  
3 the unguals that we have in our state.

4                   Whatever we need to do, whatever it  
5 takes, we have got to put some focus on delisting  
6 wolves and allowing our state offices to manage the  
7 predator and prey so we can balance our predator and  
8 prey ratio of the state and our natural resources.

9                   Thank you very much.

10                  THE MODERATOR: Thank you, sir.

11                   No. 7 is invited to the microphone.

12                   Please, sir. Thank you.

13                  MR. BILL GROGMAN: Thank you.

14                   Thank you, Mr. Secretary, and  
15 distinguished panel. It's an honor to be here  
16 today.

17                   My name is Bill Grogman, Twin Falls  
18 County Commissioner.

19                   Mr. Secretary, you'll probably remember  
20 seven years ago this month you appointed me to fill  
21 a vacancy on that Twin Falls County Commission. I  
22 appreciate that.

23                  SECRETARY KEMPTHORNE: You're welcome.

24                  MR. BILL GROGMAN: Thank you.

25                   As you probably know, Twin Falls County

0046

1 and many surrounding counties are fighting a serious  
2 battle against the West Nile virus. Federal and  
3 State agencies own and manage 68 percent of Idaho's  
4 land mass, while we in the private sector own  
5 32 percent.

6                   Until PILTH (phonetic) is fully funded,  
7 that 32 percent of our landowners must pay their  
8 disproportionate share of taxes to provide services  
9 to all.

10                   Within the boundaries of Twin Falls  
11 County lies 1.2 million acres, including 663,000  
12 acres -- 52 percent -- owned and controlled by State  
13 and Federal government.

14                   As we ask the taxpayers of Twin Falls  
15 County who own 48 percent of the real property to  
16 fund a new mosquito abatement district in our battle  
17 against the West Nile virus, it becomes apparent  
18 that we have not invited the largest landowner in  
19 our county, controlling 52 percent of that land, to  
20 help us solve the problem.

21                   As we know, Federal and State lands  
22 contain many still-water ponds that are ideal  
23 breeding habitat for mosquitoes. The documented

24 heavy mortality of sage grouse due to West Nile  
25 virus, which necessitated the closing of the 2006

0047

1 hunting season on B.L.M. lands in Owyhee County  
2 confirm heavy presence of the virus on Federal  
3 lands.

4 Prevailing winds from the westerly  
5 direction tend to force migration of newly-hatched  
6 mosquitos into heavily populated areas of Twin Falls  
7 County.

8 Unless our neighbors, State and Federal,  
9 located contiguous and directly upwind join us in a  
10 cooperative effort, whatever methods used by Twin  
11 Falls County to protect our citizens will be  
12 ineffective.

13 We would respectfully request your  
14 support and cooperation in helping us control the  
15 very serious health risk in Twin Falls County.

16 Thank you, Secretary.

17 THE MODERATOR: Thank you, sir.

18 SECRETARY KEMPTHORNE: Bill, you were a good  
19 appointment. Thank you for remembering.

20 THE MODERATOR: No. 8, sir. Thank you.

21 MR. RON WHITNEY: Good morning to the  
22 honorable members of our panel. My name is Ron  
23 Whitney, owner of Whitney Homes in Meridian, Idaho,  
24 representing the Building Contractors Association of  
25 Southwestern Idaho. I appreciate the opportunity to

0048

1 provide comments to you today.

2 Because many of today's laws are  
3 outdated and do not protect the environment in the  
4 most efficient and effective way, I'm hopeful that  
5 this push for cooperative conservation will provide  
6 an opportunity to encourage collaborations,  
7 cooperative solutions, facilitate compliance, and  
8 protect the rights of private property owners while  
9 improving environmental results that everyone wants  
10 to enjoy.

11 I'd like to touch on the opportunities  
12 presented by the Clean Waters Act, Section 404,  
13 Wetlands Program. The wetlands permitting process  
14 is lengthy and difficult and continues to be filled  
15 with confusion and uncertainty.

16 To elicit better cooperation between the  
17 Federal Government and property owners,  
18 administrative guidance must be issued to clarify  
19 which waters and wetlands are subject to Federal  
20 jurisdiction.

21 The determination of which waters and  
22 activities fall under the Federal Government's  
23 authority currently depends on where in the country  
24 the property lies. That makes little sense when  
25 this is a national program.

0049

1 Both the nation's landowners and  
2 regulators themselves need clear direction as to

3 which waters and wetlands are in and which ones are  
4 out. Administrative guidance given to stakeholders  
5 can put an end to the inconsistency and confusion  
6 currently experienced and help to foster  
7 collaborative efforts for private landowners and  
8 agencies to work together for wetland protection.

9 The wetlands permitting program must  
10 also be reformed to streamline the permitting  
11 process and provide regulatory incentives of  
12 landowners who take steps to protect wetlands.

13 The current regulatory program is  
14 cumbersome and lengthy, even for projects that have  
15 minimal impacts on the environment.

16 By refocusing efforts on those projects  
17 that are likely to have the greatest impacts, the  
18 agencies can free up their time to develop  
19 incentives or other mechanisms to improve wetlands  
20 protection.

21 Finally, the various levels of  
22 government must work in concert with private  
23 landowners to create, enhance, and protect wetlands  
24 where appropriate.

25 In Ohio, home builders have been working  
0050

1 with the State for over ten years to create and  
2 improve wetlands for the enjoyment of all. Similar  
3 programs could be established across the nation and  
4 help restore and protect these valuable resources.

5 Thank you for opportunity to comment on  
6 the various ways the Federal Government can improve  
7 environmental performance through cooperative  
8 conservation. By incorporating these suggestions  
9 into your final actions, I am certain that the  
10 administration will improve stewardship and enhance  
11 wetland protection across the nation.

12 Thank you.

13 THE MODERATOR: Thank you, sir.

14 9? Please, sir. Thank you.

15 MR. TED MARTINEZ: Thank you.

16 Good morning. My name is Ted Martinez.

17 I'm am a building contractor with Trademan Building  
18 Company out of Eagle, Idaho.

19 Good environment laws and market-based  
20 solutions are important starting points for  
21 cooperative conservation. Unfortunately, today's  
22 laws are outdated and do not protect the environment  
23 in the most effective and efficient ways, thus are  
24 rarely amenable to collaborative solutions.

25 I'm here today to share my observations  
0051

1 and suggestions on how improved collaboration can  
2 improve the Endangered Species Act. The time has  
3 come to update and improve the E.S.A. In fact,  
4 improvements to the Act are long past due.

5 Because 90 percent of all listed species  
6 are located on private lands, there must be a  
7 renewed effort to find cooperative, incentive-based

8 solutions if real progress is to be made. There are  
9 a number of steps that can be taken.

10 First is improving the data and science  
11 upon which decisions are made. At a minimum, all  
12 E.S.A. decisions need to comply with the Information  
13 Quality Act and all data must be available to the  
14 public.

15 Second is improving the implementation  
16 of Section 7, consultation requirements. Suggested  
17 improvements include defining key regulatory terms  
18 such as "adverse modification" and "jeopardy,"  
19 ensuring that applications and applicants and other  
20 stakeholders affected by Section 7 consultations are  
21 allowed to fully participate and clarifying that the  
22 reasonable and prudent measures be within the  
23 Agency's authority of implementation.

24 Third is developing critical habitat  
25 guidance to ensure that an open and consistent

0052

1 designation is followed.

2 The process must account for cumulative  
3 economic and social impact, assess the biological  
4 value of habitat -- of the habitat to the species of  
5 concern, and encourage landowners' participation by  
6 exempting all private property enrolled in an  
7 existing or pending habitat conservation plan and  
8 critical habitat designation.

9 Finally, is facilitating and increasing  
10 the opportunity for voluntary conservation efforts  
11 through providing incentives, reducing barriers,  
12 developing programmatic permits, maintaining and  
13 strengthening the "no surprises" assurances policy  
14 and streamlining the development and approval  
15 process for habitat conservation plans.

16 Thank you for the opportunity to comment  
17 on the various ways the Federal Government can  
18 improve the E.S.A. through cooperative conservation.  
19 And I'm hopeful that the administration can quickly  
20 dissolve these ongoing challenges and realize  
21 positive results.

22 Thank you.

23 THE MODERATOR: Thank you, sir.

24 No. 10 is invited to the microphone.

25 No. 10, please. Thank you, sir.

0053

1 MR. JOE NELSON: My name is Joe Nelson. I'm  
2 here on my own behalf and also in my role as head  
3 counsel of the National Endangered Species Act  
4 Reform Coalition, or NESARC.

5 I'm a native of Gooding. I was born and  
6 raised in Gooding and remember very fondly spending  
7 summers up in Stanley basin seeing salmon spawn and  
8 fishing up at Redfish Lake, and also coming forward  
9 to today thinking and seeing and watching what's  
10 going on with the Columbia River dedication, the  
11 threat to the Idaho water supplies, the threat to  
12 hydroelectric generation and reliable generation



13 sources here in Idaho and in the Northwest.  
14 And what that brings about is the  
15 question of how to balance both our natural resource  
16 legacy with the ongoing need to have a diverse and  
17 robust economy.

18 I came here today also to thank  
19 Secretary Kempthorne for initiating these listening  
20 sessions. This is the last of 25 that you've done,  
21 which is an incredible effort in and of itself. And  
22 a number of our member organizations have appeared  
23 throughout these sessions.

24 I wanted to just mention a couple of our  
25 members -- or Idaho members here. Boise Community

0054

1 Irrigation District, Boise County/Idaho County Light  
2 and Power, Idaho Land Association, Rawhide  
3 Outfitters and Wild Irrigation District.

4 Each of them in their own way have dealt  
5 with the E.S.A. on a very basic level, and that's  
6 what's important about cooperative conservation and  
7 the need to really develop a better implementation  
8 of the E.S.A.

9 With respect to what we would hope the  
10 Secretary and this administration would move forward  
11 on in the coming months, we would hope that the  
12 administration would work towards implementing  
13 regulations, guidance, and policy to really bring a  
14 sense of cooperative conservation to how the Act is  
15 implemented.

16 In particular, we'd like to see  
17 increased role of the State and local governments  
18 through Section 6 agreements and other forums of  
19 recovery implementation programs, cooperative  
20 ventures through both re- -- reintroduction -- those  
21 type of basic efforts that only can come through

22 State and local governments -- and encouraging  
23 voluntary conservation through grants, technical  
24 assistance, and model agreements, reinvigorating the  
25 A.C.P. process so it's available for small owners,

0055

1 not just those who have large resources to handle  
2 right now, and providing an open and sound  
3 decision-making process that allows for data  
4 transparency, as well as compliance with the data  
5 quality.

6 We are very hopeful that the efforts and  
7 the leadership showed in the Senate and as Governor  
8 of Idaho will continue as Secretary of Interior on  
9 those issues.

10 Thank you.

11 THE MODERATOR: Thank you, sir.

12 That was Nos. 1 through 10. Good form,  
13 all. Thank you for the manner in which the  
14 presentations were made. Thank you.

15 No. 11? Please, sir.

16 MR. DAVE YORDSON: Hi. My name is Dave

17 Yordson. I'm a local land developer in this Valley,  
18 second-generation land developer, vice president of  
19 the company Capitol Development. My father started  
20 the company about 30 years ago here.

21 My comments today will focus around  
22 cooperative conservation and specifically the Clean  
23 Water Act's M.P.D.S. storm water permit program.  
24 E.P.A.'s current storm water regulations  
25 are complex, excessive, costly, and oftentimes

0056

1 duplicate the efforts of State and local  
2 governments. Furthermore, the lack of compliance  
3 assistance and the focus on punitive punishment  
4 enforcement reduces the program's legitimacy and  
5 therefore its effectiveness.

6 Home builders believe there should be  
7 storm water regulations, but we also believe those  
8 regulations should be reasonable, thoughtful, and  
9 fair. We also believe that more effective  
10 environmental protection will come from simple,  
11 consistent rules that encourage compliance.

12 To further the ideals of cooperative  
13 conservation, there are a number of steps that can  
14 be taken to improve water quality by simplifying and  
15 facilitating compliance.

16 First, the permitting program should be  
17 simplified by eliminating duplicate permit  
18 requirements.

19 One way to accomplish this is by  
20 improving coordination with the states and  
21 facilitating the recognition and adoption of  
22 qualifying local programs.

23 The programs should also be streamlined  
24 by adopting a single-lot permit or other similar  
25 measures.

0057

1 Second, the E.P.A. and states should  
2 collaborate to develop consistent enforcement  
3 policies that focus on environmental protection  
4 rather than paperwork requirements. For example,  
5 updating programs; introduce inspection measures;  
6 and, as E.P.A. allows in other programs, providing  
7 the opportunity to remedy permit violations that do  
8 not impact water could demonstrate the Agency's  
9 commitment to water quality versus current focus on  
10 collecting fines.

11 Third, a watershed partnership program  
12 should be developed to facilitate innovation and  
13 incentivize long-term compliance. Improved  
14 coordination between all levels of government  
15 working at the watershed level can make great  
16 strides in improving water quality.

17 We know an example in the Chesapeake Bay  
18 area where builders and local governments are  
19 working together to improve the environment there.

20 Finally, collaborative compliance  
21 assistance efforts must be implemented to ensure

22 widespread awareness of the program and improve  
23 overall compliance.

24 Suggestions to accomplish this include  
25 working together to provide on-site assistance to

0058

1 helping partnership programs and streamlining the  
2 permit requirements.

3 Thirdly, storm water regulations that  
4 are well coordinated, simple, and fair will  
5 encourage compliance and in the end do more to  
6 protect rivers and streams than the current system.

7 Thank you for the opportunity to come

8 comment on the various ways the Federal Government  
9 can improve storm water permitting programs through  
10 cooperative conservation. I hope the administration  
11 can move quickly to address these issues.

12 THE MODERATOR: Thank you, sir.

13 SECRETARY KEMPTHORNE: Could you also just  
14 for the record submit that example at Chesapeake?

15 MR. DAVE YORDSON: I will. Thank you.

16 THE MODERATOR: Thank you.

17 No. 12? No. 12 is invited to the  
18 microphone. I see no 12.

19 13? Thank you, sir.

20 MR. MIGUEL LEGRAVEDA: Good morning to the  
21 distinguished panel. My name is Miguel Legraveda.  
22 I'm here representing the Building Contractors  
23 Association of Southwest Idaho as their government  
24 affairs director from Boise.

25 Good environmental laws that provide

0059

1 opportunities for market-based solutions are an  
2 important starting point for conservative --  
3 cooperative conservation.

4 Unfortunately, today's laws are outdated  
5 and do not protect the environment in the most  
6 efficient or effective way, thus are rarely amenable  
7 to collaborative solutions.

8 There are three programs that deliver  
9 positive results from improved cooperation towards  
10 the market: The Endangered Species Act, the Federal  
11 Storm Water Program, and the Federal Wetlands  
12 Program.

13 The Endangered Species Act is over 30  
14 years old and not working. Despite its track  
15 record, E.S.A. continues to dictate how private  
16 property may be used. Improvements to the Act are  
17 long past due.

18 Because 90 percent of all listed species  
19 are located on private lands, there must be a  
20 renewed effort to find cooperative, incentive-based  
21 solutions if real progress is to be made.

22 First, the implementation of Section 7  
23 consultation requirements must be streamlined.

24 Second, critical habitat guidance must  
25 be developed to ensure that an open, consistent

0060

1 designation process is followed.

2 Third, opportunities for voluntary  
3 conservation efforts must be increased.

4 The second program I'd like to highlight  
5 is the M.P.V.E.S. storm water program. The current  
6 storm water regulations are complex, confusing,  
7 costly, and oftentimes duplicate the efforts of  
8 State and local governments.

9 Furthermore, the lack of compliance  
10 assistance and the Agency's overbearing focus on  
11 punitive enforcement reduces the program's  
12 legitimacy and thereby it's effectiveness.

13 The following suggestions could be used  
14 to improve water quality while facilitating  
15 compliance.

16 First, the program must be streamlined  
17 and simplified eliminating duplicative permit  
18 requirements.

19 Second, E.P.A. and the states should  
20 collaborate to develop consistent enforcement  
21 policies that focus on environmental protection.

22 Third, watershed partnership programs  
23 should be developed to facilitate innovation and  
24 improve long-term compliance.

25 Clearly, storm water regulations that

0061

1 are well-coordinated, simple, fair will encourage  
2 compliance and in the end do more to protect rivers  
3 and streams than the current system.

4 Finally, I'd like to comment on the  
5 opportunities presented by the Clean Water Act,  
6 Section 4, of the wetlands program.

7 The wetlands permitting process is  
8 lengthy, difficult and continues to be filled with  
9 confusion and uncertainty.

10 Thank you for the opportunity to provide  
11 comment. I'm hopeful the administration can move  
12 quickly to solve these ongoing challenges. Thank  
13 you.

14 THE MODERATOR: Thank you, sir.

15 No. 14, please. 14 is invited to the  
16 microphone. 14? I see no 14.

17 15, please. Thank you.

18 MS. RUTH SHEA: Morning. My name is Ruth  
19 Shea. I'm executive director of the Trumpeter Swan  
20 Society.

21 And since 1969, we've worked solely  
22 through partnership programs to restore trumpeter  
23 swans. I lived in the Grays Lake Valley in  
24 Southeast Idaho where the Department of Interior has  
25 been a dominant force in the Valley since 1907.

0062

1 I spent 15 years researching the history  
2 of interior management in the area and ways to  
3 resolve the resource problems that have plagued the  
4 Valley. My husband has studied sandhill cranes and

5 worked there with agencies and landowners since the  
6 1960s.

7 I came today to make a plea to  
8 Secretary Kempthorne to help us launch a cooperative  
9 conservation effort at Grays Lake. We have an  
10 unexpected opportunity that would greatly improve  
11 issues that have plagued D.O.I. management since the  
12 1920s and that have severely damaged the refuge.

13 The partnership could involve three  
14 interior agencies, several other Federal and State  
15 agencies, tribal interests, and several conservation  
16 organizations.

17 We can't get this started without your  
18 help. I realize -- I found out in the last two  
19 weeks you're recused from these issues, but I'm  
20 hoping I can leave here with the name of a staff  
21 person.

22 Forgive me if I'm nervous, but I think  
23 we can change the history of our whole valley.

24 After 30 years of effort, Grays Lake was  
25 established in '65. It was proclaimed to be an

0063

1 entirely new concept. It wasn't established by  
2 executive order or by legislation, but by a unique  
3 99-year agreement between the Secretary of the  
4 Interior and 22 land owners.

5 It had the potential to be a showcase of  
6 cooperative conservation to manage a 22,000-acre  
7 marsh that held the largest population of sandhill  
8 cranes in the West.

9 It was set up to be a multiple-use  
10 refuge for grazing and farming, would help provide  
11 the short grass required by the cranes and other  
12 species, and the water would be stored for  
13 irrigation.

14 Unfortunately, by 1972 managers changed  
15 their approach and decided not to fulfill their  
16 agreement obligations. There has been much discord  
17 in the Valley ever since. Bird populations and  
18 diversity have declined. The marsh is filling in  
19 rapidly, losing value for wildlife and for water  
20 storage.

21 Things are such a mess that the service  
22 is deemphasizing the refuge and this month is  
23 removing the manager for the first time in 40 years.  
24 There will no longer be a manager on site.

25 My question -- we have -- I've been

0064

1 working with the last field-level people. We have  
2 many people who will jump on the train if we can get  
3 it started. We need a conductor.

4 THE MODERATOR: Thank you, ma'am. Thank you  
5 very much. And by the way, there was not a sign of  
6 jitters in that presentation. Good form.  
7 Professional musicians fool the world all the time.  
8 Thank you, ma'am.

9                   No. 16, please.  
10                  If I may, those comments, be sure you  
11 include those in the box. Thank you very much.  
12                  No. 16? I see no 16.

13                  17?  
14                  18? Thank you, sir.

15                  THE WITNESS:

16                  MR. BILL SEVY: Secretary Kempthorne,  
17 Senator Crapo, and other distinguished analysts,  
18 thank you for the opportunity to speak today.  
19                  My name is Bill Sevy, and I'm the  
20 executive director of Idaho Rivers United based here  
21 in Boise. We have 3100 members from around the  
22 state.

23                  I agree with President Bush and I agree  
24 with all of you that cooperative efforts are indeed  
25 the best ways to resolve environmental conflicts

0065  
1 across our nation. But as the scope of conservation  
2 issues become broader, crossing state and national  
3 boundaries, effective Federal leadership is critical  
4 for finding solutions.

5                  In the case of Snake River salmon  
6 recovery, that Federal leadership has been lacking.

7                  Since 2001 administration officials have  
8 refused to acknowledge the dire straits that our  
9 Snake River salmon are in. We hear lots of talk  
10 about record returns but very little talk about the  
11 fact that only three Snake River sockeye returned to  
12 Redfish Lake this year. Just three, Mr. Secretary.

13                  We hear nothing about curtailed fishing  
14 seasons or the fact that Idahoans cannot fish for  
15 salmon in the Salmon River near the town of Salmon,  
16 Idaho.

17                  In addition, the Federal Government has  
18 failed to lead by refusing to consider all  
19 reasonable options for resolving our salmon crisis,  
20 including the removal of four high-cost, low-value  
21 dams on the lower Snake River in eastern Washington.

22                  So where do we go from here? What do we  
23 do about our salmon crisis? While collaborative and  
24 cooperative efforts will indeed be needed to restore  
25 Snake River salmon, we cannot anticipate the

0066  
1 development of real solutions until Federal  
2 officials and the agencies pledge to provide real  
3 leadership, leadership that (a) faces up to the true  
4 scope and the causes of Snake River salmon declines,  
5 and (b), agrees to examine all reasonable solutions.

6                  Only when these two things occur will  
7 Idahoans and other Northwesterners be able to expect  
8 a realistic and final solution to this conservation  
9 problem.

10                  Thank you.

11                  THE MODERATOR: Thank you, sir.

12                  No. 19, please. 19 is invited to the  
13 microphone. Thank you, ma'am. Please.

14 MS. BECKY JOHNSTONE: I'm Becky Johnstone  
15 from McCall, Idaho. Thank you for this opportunity  
16 to speak to you regarding the Endangered Species  
17 Act, among other subjects.

18 Idaho represents ecosystems at the  
19 extreme edge for many species. Our high elevations  
20 and extreme temperatures and moisture level make it  
21 difficult for many species to survive, let alone  
22 thrive.

23 Caribou are still abundant in other  
24 parts of the world. Does it make sense to try to  
25 protect small pockets of the species that's not

0067

1 ideally suited to our climate? Whether we blame  
2 local climate change on the activities of man, the  
3 fluctuations in the distances from the earth to the  
4 sun, or other reasons, our planet has experienced  
5 climate changes at regular intervals.

6 There are no more woolly mammoths. That  
7 species and others either evolve with changing  
8 climates or became extinct. I don't think the  
9 E.S.A. was ever designed to protect all species,  
10 regardless of the reason their numbers are becoming  
11 less.

12 The E.S.A. is potentially a great tool  
13 to help species over a rough spot, but it's not the  
14 answer to preserve all species for all time. Used  
15 judiciously, it can help. Used as an excuse to keep  
16 people from utilizing their own property, it can  
17 cause a great deal of harm and dilute the  
18 effectiveness of the Act as a potential tool when it  
19 is warranted.

20 One of the controllable threats to some  
21 endangered species is noxious weeds. My background  
22 and early work experiences were with some of these  
23 weeds. I spent a summer working for the Oregon  
24 State Department of Agriculture's noxious weed  
25 control program while I was in graduate school.

0068

1 I have a continuing interest in the  
2 spread and control of noxious weeds. I also spend a  
3 great deal of time on the national forest service,  
4 especially in the Payette National Forest.

5 Forest service control of noxious weeds  
6 is extremely poor. Government agencies that are  
7 entrusted with public lands should not only practice  
8 good noxious weed control, they should be setting an  
9 example.

10 Over 90 percent of Valley County is

11 publicly owned. Even if the private land owner in  
12 the county rigorously practices noxious weed  
13 control, we are fighting a losing battle.

14 The fire management plan for designated  
15 roadless areas in the Payette, Boise, and Sawtooth  
16 National Forests allows naturally-started fires to  
17 burn. There's no plan to restore any vegetation to

18 these areas.

19 The burn of 2000 burned over 65,000  
20 acres outside of McCall in an uncharacteristic

21 lethal wildfire. Part of what burned was the Grouse  
22 Creek drainage, which flows into the Wasatch River.  
23 This section of river is considered critical habitat  
24 for the endangered chinook salmon.

25 I own property on the Wasatch River in  
0069

1 this area and am very interested in the salmon.  
2 This spring I drove up to Grouse Creek to the  
3 lookout between Shinderon (phonetic) and Crystalon  
4 (phonetic) roadless areas.

5 Six years after the fire, there are  
6 almost no coniferous trees growing near the creek.  
7 I realize that we can't replant the entire 65,000  
8 acre burn in the area because the forest service  
9 lacks adequate funds. And since this area lies  
10 within designated roadless areas, that dead trees  
11 can't be harvested to generate funds as a wilderness  
12 characteristic, but if loggers can't cut trees in a  
13 150 to 200-foot buffer zone --

14 THE MODERATOR: Ma'am, you're out of time.  
15 Sorry. It pains me to interrupt you, but thank you  
16 very much.

17 MS. BECKY JOHNSTONE: You have my comments.

18 THE MODERATOR: Thank you, ma'am.

19 No. 19, please.

20 MS. PAT BARKLEY: 20.

21 THE MODERATOR: 20.

22 MS. PAT BARKLEY: Thank you.

23 My name is Pat Barkley from Boise,  
24 Idaho, but I'm here today as a property owner in the  
25 hamlet of Yellow Pine.

0070

1 I wanted to talk about the story of the  
2 people as opposed to the story in the paper of the  
3 scientists who are talking about how successful all  
4 the fires were this summer.

5 In Yellow Pine, we don't look at that as  
6 a success because we're looking at four forest  
7 service people killed in a helicopter crash caused  
8 by smoke. We're looking at firefighters and  
9 residents' lives and property in danger. We're  
10 looking at sitting up at night watching the fires  
11 burn down the hill toward our waterworks and our  
12 neighbors' homes.

13 And in this case they came -- the fire  
14 came within three-quarters of a mile of our  
15 property. The smoke was so thick you couldn't see  
16 down the driveway.

17 Many of our retired citizens in Yellow  
18 Pine had to leave for a month or six weeks because  
19 of smoke. The smoke came into Boise, in fact, which  
20 might have been a good thing to make people  
21 recognize what was happening.



22 But my 79-year-old mother returning from  
23 a trip to Minneapolis had to go to the emergency  
24 room two days later because of smoke. The doctor's  
25 office was so full they couldn't get her in, and

0071

1 they recommended the emergency room. That's the  
2 people's side of fires.

3 Whether the scientists think it's good,  
4 we have a population in the Northwest that wants to  
5 recreate on the national forests, and we have  
6 private property that's surrounded by national  
7 forests. We need to manage those forests.

8 We stopped fighting fires in -- or  
9 stopped using fire and started fighting them in  
10 1910. But before we can reintroduce fire as our  
11 only tool, we need to get rid of the excess fuel and  
12 provide for the safety of our rural communities and  
13 our rural counties that depend on the national  
14 forests for their economic base.

15 So one of the first things we need to do  
16 is ask Congress to fund those efforts. And then we  
17 need all of the agencies to work together with the  
18 State and local people to come up with the best  
19 management plan so that we preserve our forest and  
20 I'm not handing down to my grandchildren a forest  
21 without trees.

22 Thank you.

23 THE MODERATOR: Thank you, ma'am.

24 Commenters 1 through 20 have been heard,  
25 1 through 20.

0072

1 Inviting 21 to the microphone. 21,  
2 please?

3 22?

4 23, please, to the microphone. Welcome.

5 THE WITNESS:

6 MR. JAMES PATRICK DOYLE: Distinguished  
7 panel, Mr. Secretary, Senator Crapo. My name is  
8 James Patrick Doyle. I moved to the Wood River  
9 Valley in 1970, and I operate a business out of  
10 there.

11 27 years ago I bought a piece of land in  
12 St. George, Utah. Consists of about 3,000 acres of  
13 fee simple land and 13,000 acres of option land,  
14 which I had designed nine golf courses, sewer,  
15 water, and power in place, an exit into the city,  
16 freeway off-ramp.

17 16 years ago it was listed as critical  
18 habitat for endangered species. I've been promised  
19 land grants by the Interior Department for the last  
20 16 years. Six years ago I moved to Washington,  
21 D.C., although the elk hunting is not all that  
22 great.

23 I spent a lot of time and a lot of  
24 money. I've been through the House three times, the  
25 legislation, and into the Senate once, thanks to

0073

1 Senator Craig's help on his committee.  
2 I have recently agreed to do some  
3 exchanges on surplus property in exchange for my  
4 land because it's a lot of money. It's a lot of  
5 real estate. I'm fenced off of the land. I can't  
6 walk on it. I recently got a tax bill this year for  
7 \$487,000. I get one of those every year.  
8 But I would really like somebody to talk  
9 to the Interior, to have one 20-minute meeting with  
10 my legislator people, because we're promised maybe  
11 when you all come back in after the session, there's  
12 a chance there's going to be some unanimous consent  
13 deals if I agree to some of these other kinds of  
14 exchanges. They're going to try to push the bill  
15 through.

16 What I would like to do is to meet you  
17 all with a couple of my people and let you know what  
18 it is we're talking about, if that's possible.

19 Thank you.

20 THE MODERATOR: Thank you, sir.

21 No. 24, please. Thank you, sir.

22 UNIDENTIFIED SPEAKER: Mr. Secretary, panel  
23 members, welcome. What a great honor to live in a  
24 country where we can come like this and meet.  
25 There's not a lot of countries you can do that. So

0074  
1 thank God we live here.

2 Quick comment on the professional  
3 educator. Hat's off to you, as a father of four.  
4 It's great to see young students doing that. The  
5 only comment I've got, it looks like the male  
6 species is missing.

7 Mr. Secretary, many times the Act and  
8 the rules within it protect species. But what about  
9 the human factor and the landowners, who many times,  
10 in our case, are families?

11 We're just one case scenario of many  
12 families that have been negatively affected by such  
13 rules and regulations. We'd like all of you to go  
14 back here in Idaho and Washington and think about  
15 the human factor.

16 Thank you very much.

17 THE MODERATOR: Thank you, sir.

18 No. 25? Thank you, sir.

19 MR. JOHN ROBINSON: Mr. Secretary,  
20 Senator Crapo, other distinguished guests, my name  
21 is John Robinson. And I'm with the Idaho  
22 Conservation League.

23 Idahoans depends on our bedrock of  
24 public health and conservation laws, such as the  
25 Clean Air Act, Clean Water Act, and National

0075  
1 Environmental Policy Act to protect our families'  
2 health.

3 We at the Idaho Conservation League  
4 represent over 9,000 members who want to protect  
5 Idaho's clean water, clean air, and quality of life.

6 I have a short statement to read from  
7 some of our members who couldn't attend today who  
8 wanted to express their concerns about the cyanide  
9 heap leach gold mine in the headwaters of the Boise  
10 River.

11 This is from Amy O'Brien. "The Clean  
12 Water Act enabled us to force the mining company to  
13 clean up a toxic, arsenic discharge flowing into an  
14 irrigation ditch above our house. The water is  
15 still not clean enough for our daughter to play in,  
16 but it's a start.

17 "Incredibly, the mining law of 1872 is  
18 allowing the same mining company to open a cyanide  
19 heap leach gold mine above our house, which would  
20 contaminate several drainages and require water  
21 treatment in perpetuity. This is neither  
22 cooperative nor conservation.

23 "We need your help to fix this law and  
24 protect our water."

25 From Dr. Craig Brown, director of

0076

1 pediatric education at the Family Medicine Residency  
2 of Idaho. "This cyanide heap leach mine is a  
3 disaster waiting to happen. We get 20 percent of  
4 our drinking water from the Boise River.

5 "The National Environmental Policy Act  
6 directs the forest service to disclose the public  
7 health risks, but the mining law of 1872 still  
8 allows convoys of diesel tankers to play Russian  
9 roulette with our water and therefore our health."

10 Lastly, Mark Anderson, a Boise parent  
11 and resident. "Last year, in an effort to keep the  
12 river clean of trash and to make sure the Boise  
13 River is a safe, family-friendly environment, our  
14 local government banned beer on the Boise River.

15 "Ironically, our Federal Government is  
16 encouraging a Canadian mining company to haul  
17 cyanide and diesel fuel along the same river. We  
18 need a new conservation partnership to keep this  
19 cyanide heap leach mine out of our watershed."

20 Thank you very much. Look forward to  
21 your guidance on this.

22 THE MODERATOR: Thank you, sir.

23 No. 26, please. 26 to the microphone.

24 27 is welcome. Thank you, sir.

25 MR. RICK JOHNSON: Hi. I'm Rick Johnson with

0077

1 the Idaho Conservation League, and it's good to see  
2 you back -- I was going to say Senator, also  
3 Governor, Secretary, and all the rest.

4 I'm Rick Johnson. I'm with the Idaho  
5 Conservation League. And Wallace Statener, a great  
6 writer of the West, talks about creating a society  
7 to match the scenery. And I think that ultimately  
8 that's what cooperative conservation is all about.

9 But it's also about the fact that

10 conservation that we care about, it's our mission to  
11 advance. It cannot continue without the support of  
12 the public.

13 The Idaho Conservation League does a lot  
14 of collaborative work. It is undeniably the future.

15 But many of the issues that we work on  
16 are very challenging and civil conflict does have a  
17 role. It distills the issues; it focuses the  
18 discussion.

19 Most of our cooperative work that we  
20 engage in is low profile and is daily engaged. It  
21 doesn't make headlines, but it does make a  
22 difference.

23 Some of the cooperative work we do, such  
24 as the Owyhee initiative, is higher profile. This  
25 work is hard. It takes a willingness to take risks,

0078

1 and it takes trust.

2 I would also say to those two  
3 initiatives, they have to reach closure if we're  
4 going to demonstrate the kind of success that keeps  
5 us on the ground moving to some of these bigger and  
6 more dynamic issues.

7 I would also say that bottom-up  
8 solutions don't look the same as top down. When we  
9 come up from the bottom, we have to be creative and  
10 we have to understand when we go to a national level  
11 that they do look different.

12 That said, we recognize you have to  
13 always balance the national interests with the local  
14 ones. These are national issues, national lands,  
15 and you have to retain that balance.

16 But ultimately, I go back to my opening  
17 point. Without the support of the public -- and  
18 that means here, but also recognizing that "here" is  
19 the third-fastest-growing state in the country and  
20 that the public's values are evolving and changing.

21 But without the support of the public,  
22 conservation as we know it and as we care about it  
23 cannot endure. I go back to the words of Wallace  
24 Statener, "Together, if we work hard, we can create  
25 a society to match our scenery."

0079

1 Thank you.

2 THE MODERATOR: Thank you, sir.

3 No. 28? Thank you, ma'am.

4 MS. LISA LAFF: Shorter and shorter all the  
5 time.

6 Okay. Can you hear me okay? All right.  
7 My name is Lisa Laff.

8 SECRETARY KEMPTHORNE: Lisa, you can take it  
9 out of the holder.

10 MS. LISA LAFF: All right. Oprah.

11 It's an honor to be here today and to  
12 have this opportunity to speak. Thank you,  
13 Senators, Mr. Kempthorne, the rest of the panel.

14 My name is Lisa Laff. I'm a resident

15 and investment manager here in Boise. I'm here to  
16 comment further on the safety of the Boise River and  
17 to express my great concern.

18 As you heard, Boise River provides more  
19 than 20 percent of our city's drinking water, and  
20 you also heard that there is an open-pit, cyanide  
21 heap leach gold mine proposed at the headwaters of  
22 the Boise River, the Atlanta gold mine.

23 As I said, I'm an investment manager. I  
24 studied this company. And I can tell you the  
25 company that's proposing the mine is truly a

0080  
1 fly-by-night, Canadian, junior mining operation.

2 I and many, many other Idahoans are  
3 greatly concerned about this mine. We don't want  
4 the river and our drinking water ruined by potential  
5 spills of cyanide, diesel fuel, and other toxic  
6 chemicals.

7 Now, I'm not an anti-mining proponent at  
8 all. But some places are too special to mine. And  
9 the heart of the Boise River is certainly one of  
10 them.

11 However, under the mining law of 1872,  
12 we, as Boise citizens, do not have the voice to  
13 protect clean water for our community, and we simply  
14 don't have the opportunity for cooperative  
15 conservation.

16 Clearly, we need to reform this outdated  
17 law, the mining law of 1872. But until that kind of  
18 reform happens, the Federal Government and the  
19 Department of the Interior in particular, has the  
20 opportunity to protect such areas as the headwaters  
21 of the Boise that are simply unsuitable for  
22 something like cyanide heap leach gold mining.

23 First, land managers should have the  
24 authority and the discretion to protect  
25 environmentally significantly public lands and deny

0081  
1 permits for poorly-planned mines, especially in  
2 watersheds that provide drinking water.

3 And in addition, for this specific area,  
4 the headwaters of the Boise River, I ask that the  
5 Department of the Interior consider withdrawing the  
6 possibility of any future mining claims to protect  
7 the river and our city's drinking water from future  
8 threats.

9 If there's any place in this state that  
10 deserves cooperative conservation, it's the Boise  
11 River.

12 Thank you so much.

13 THE MODERATOR: Thank you, ma'am.

14 No. 29? No. 29, please.

15 No. 30 is invited to the microphone.

16 No. 30? Thank you, ma'am.

17 MS. LIZ WOODRUFF: Hello. My name is Lis  
18 Woodruff. And I'm a mother of two, a Boise citizen,  
19 and a native Idahoan. And I'm so grateful to be

20 here today to speak to all of you.

21 A year ago I came to a forum here on the  
22 river and learned about the Atlanta gold mine, and I  
23 was hoping for the opportunity to get to talk to the  
24 Federal Government about the 1872 mining act.

25 I think we can all agree that our laws

0082

1 should reflect our ideals and our ethics; and as  
2 such, they shape our political realities.

3 The 1872 mining act is an archaic piece  
4 of legislation specific to a different historical  
5 moment, relevant to a different economy and a  
6 different environmental ethic and a different labor  
7 force.

8 We have seen a shift from 1872 in the  
9 industries of Idaho. In the past, we see a miner on  
10 our flag. And that reflects its importance at that  
11 time as a driving economic force. It still has  
12 importance, but that importance of the economy has  
13 shifted to a technological economy, away from a  
14 mining economy as the driving force for Idaho.

15 In the past, the 1872 mining act  
16 protected local labor. It ensured that people who  
17 found their livelihood through mining were able to  
18 have work and have jobs.

19 Local labor is not going to be employed  
20 by Atlanta Gold, a Canadian-based mining company who  
21 brings their labor from out of state into the state  
22 and doesn't use any sort of local work.

23 And thirdly, in the past, we saw nature  
24 as an unending resource. And as this forum  
25 reflects, we see nature now as a finite resource

0083

1 that needs to be protected. So we've shifted to an  
2 environmental ethic that is at least equal to, if  
3 not greater than, an economic ethic.

4 And I'm hoping, Secretary Kempthorne,  
5 and the rest of you that have power at the Federal  
6 Government level that you will see that this 1872  
7 mining act is not protecting the state, it's  
8 endangering the state in this instance, and that we  
9 can move away from an economy -- or a set of

10 decisions based off of economic resources and start  
11 thinking about economic restoration and the  
12 importance of preserving that economy.

13 When I became involved in opposing the  
14 Atlanta gold mine and realized that the 1872 mining  
15 act was tying my hands in terms of being able to do  
16 anything to stop the mine, it became very  
17 frustrating.

18 And now that you're all here to listen  
19 today, I really hope that you will change -- unleash  
20 our hands and allow us to have legislation that  
21 protects our state rather than allow it to be  
22 infiltrated from international corporations.

23 Thank you very much.

24 THE MODERATOR: Thank you, ma'am.  
25 That was commenters 1 through 30.  
0084  
1 Might I see the number of commenters  
2 remaining? And no panic. All will be welcome.  
3 Those who remain to comment?  
4 I'm going to speculate probably six to  
5 seven.  
6 But, you know, is this a good break  
7 time? Or shall we move forward? The will of the  
8 panel.  
9 SECRETARY KEMPTHORNE: Let's roll.  
10 THE MODERATOR: Let's roll.  
11 No. 31, please?  
12 No. 32? Are you 32, sir?  
13 No. 33? I don't mean to pass anyone by.  
14 No. 34? Thank you, ma'am. 34 is at the  
15 microphone. Thank you.  
16 THE WITNESS:  
17 MS. EDITH COLLARD: Good morning. I'll take  
18 it off as well, even though I'm not that short.  
19 Good morning and thank you for the opportunity.  
20 I'm actually an out-of-stater as well.  
21 I'm from northeastern Nevada. My name is Edith  
22 Collard, and I am representing the Northeastern  
23 Nevada Stewardship Group. And we are extremely  
24 appreciative of the Bush administration for holding  
25 the conference in St. Louis, Missouri, getting the  
0085  
1 conversation started and bringing so many examples  
2 of how roundup, place-based community efforts have  
3 been going on.  
4 And I think it's a wonderful approach.  
5 It has a very principled and important aspect to it,  
6 and I encourage the continuation. No doubt there  
7 are problems. But this is the first time that we  
8 have actually seen the opportunity to have these  
9 community-based efforts moving forward.  
10 We have heard examples of many different  
11 aspects of, you know, legislation and regulations  
12 that need to be addressed. And I would certainly  
13 encourage that one of the things that we need to  
14 think about is ongoing leadership or cooperative  
15 conservation.  
16 We need to think about encouraging our  
17 various cooperating agencies to be on board with it,  
18 and we need to encourage people to be funding  
19 opportunities that are going to solve the problems  
20 and continue the effort.  
21 And thank you so much for the  
22 opportunity.  
23 THE MODERATOR: Thank you, ma'am.  
24 No. 35 is welcome to the microphone.  
25 36?  
0086  
1 37? 37, sir?  
2 MR. PAUL QUASTER: Yeah.

3 THE MODERATOR: Good step. Good quick step.  
4 Thank you, sir. Please.

5 MR. PAUL QUASTER: Morning, Mr. Secretary,  
6 and panelists. My name is Paul Quaster, and I'm  
7 with a group called the Partnership of the West.  
8 The Partnership is a broad-based alliance of  
9 interests and organizations and individuals from  
10 agriculture, small business, industry, recreational  
11 users, and property-rights advocates.

12 We're here to echo the comments made by  
13 several other speakers earlier today -- and I'll be  
14 very brief -- but to call for reform of the  
15 30-year-old Endangered Species Act. E.S.A., as we  
16 believe, lost sight of -- its original intent was to  
17 protect endangered and threatened plants and  
18 animals.

19 Over its 30-year history, we have listed  
20 nearly 1300 plants and animals as endangered, but we  
21 have recovered less than 1 percent. That's a  
22 failure rate of the E.S.A. of 99 percent. We can do  
23 better. We can do better for the landowners and  
24 ranchers who have spoken here earlier. We can do  
25 better for the people who enjoy our lands for

0087

1 recreational use. But we most importantly can do  
2 better for threatened plants and animals.

3 Our reason, Mr. Secretary, more than any  
4 other today is to say thank you. 25 cities over the  
5 course of probably less than two months is a  
6 terrific undertaking. We are very complimentary of  
7 the administration for coming out, especially out  
8 here in the West where we have participated in eight  
9 of these listening sessions, and taking the comments  
10 that we have all made back to D.C.

11 We look forward to working with you and  
12 others on E.S.A. reform.

13 Thank you, sir.

14 THE MODERATOR: Thank you, sir.

15 No. 38 is invited to the microphone.  
16 38? Thank you, sir.

17 MR. FRANK CRISLEY: Morning. Senator  
18 Kempthorne, welcome home. Glad to have you here.

19 My name is Frank Crisley. I'm president  
20 of the Idaho Farm Bureau Federation. I appreciate  
21 the opportunity to offer our organization's thoughts  
22 today.

23 I'd like to begin my remarks today with  
24 the issue that all of you recognize, and that is the  
25 need to reform the Endangered Species Act. As you

0088

1 know, the present system restricting the use of  
2 private property in areas that is habitated by  
3 listed species clearly has not worked.

4 To be successful, we must enlist the  
5 help of farmers, ranchers, and other private  
6 landowners to voluntarily conserve species through  
7 incentive programs. We need more cooperation and we



8 need less regulation. We need a process that  
9 rewards rather than punishes.

10 The Farm Bureau supports programs that  
11 would establish partnerships with willing  
12 landowners, such as a critical habitat reserve  
13 program.

14 Another innovative and promising program  
15 is a habitat trading project in Texas operated by  
16 the Department of Defense.

17 Besides being voluntary, a cooperative  
18 program for listed species should be flexible for  
19 both the Agency and the landowner, and it should  
20 provide the landowner with protections for  
21 incidental takings.

22 A related subject that is familiar to  
23 all of you that is in need of control is the growing  
24 population of wolves in this state. The situation  
25 is getting out of control. The number of livestock  
0089  
1 killed by wolves continues to increase, which in  
2 turn continues to threaten Idaho farm and ranch  
3 families.

4 Besides deprivation, wolves are creating  
5 all kinds of problems for the livestock industry,  
6 including lower calf weights because of stress and  
7 less grazing land. It's time to immediately delist  
8 the wolf.

9 On behalf of the Idaho Farm Bureau, I  
10 want to thank you for your willingness to listen,  
11 and I want to express our appreciation to all of you  
12 for what you do for the people.

13 Thank you very much.

14 THE MODERATOR: Thank you, sir.

15 No. 39?

16 No. 40? Thank you, sir. No. 40.

17 MR. MIKE WEBSTER: Let me wait until I get up  
18 here before I put my glasses on or I'll fall.

19 Thank you, Secretary Kempthorne and  
20 panel members for being here today.

21 My name is Mike Webster. I'm a rancher  
22 in Roberts, Idaho, and president of the Idaho Cattle  
23 Association.

24 As the administration has appropriately  
25 recognized, cattlemen are stewards of the land.  
0090  
1 Working ranchers maintain open spaces, and ranchers  
2 have an inherent interest in conservation of land  
3 and water resources.

4 When ranching becomes unprofitable, as  
5 is often the result of overreaching Federal  
6 regulations, the only alternative left to ranchers  
7 is to sell off these lands in such a manner as to  
8 obtaining maximum returns.

9 The resulting conclusion is subdivisions  
10 and condos on small-acreage lots. This is  
11 devastating to the land and to the habitat on which  
12 wildlife depends.

13               Once this happens, the true character of  
14 the land can never be reclaimed. We need ranchers.

15               The Endangered Species Act has been a  
16 driving force behind regulating cattle and other  
17 business. It is imperative that the Department of  
18 Interior issues changes to E.S.A. regulations as  
19 soon as possible.

20               E.S.A. affects lands used like no other  
21 statute. We agree the conservation of wildlife is  
22 important, but there are serious problems with the  
23 Act as administered and it needs updating.

24               Opportunities for updating E.S.A.  
25 include decisions affecting listings should only

0091

1 take place if there is data to support the decision.  
2 If individuals are going to be regulated by the  
3 Government, there must be verifiable reason for  
4 doing so.

5               Peer-review signage should be required  
6 to support all decisions made under the E.S.A.

7               Shortcomings of the Act regarding  
8 significant portions of the range has been very  
9 clear with management of the wolves. Species should  
10 be delisted when threats to the species' status are  
11 eliminated. Delisting should not depend on the  
12 species being reintroduced to all portions of the  
13 geographic range where they may have once lived.

14               On another topic, we appreciate the  
15 steps that the administration has taken to support  
16 the continuation of grazing on Federal lands.

17               Federal law and regulations such as the  
18 E.S.A. has been used as a hammer over the ranchers'  
19 heads, forcing them to reduce their permits year by  
20 year. Radical environmental organizations have used  
21 these laws and the court systems turn activist  
22 judges into land managers. I wonder why we have the  
23 Agency or maybe even Congress at all.

24               Looks like I better hurry.

25               I encourage you to find ways to resolve

0092

1 this issue. The agencies must be allowed to do  
2 their job of administering grazing without having  
3 consent -- this constant fear that if they don't  
4 correctly dot their "i's" and cross their "t's,"  
5 they will be sued.

6               THE MODERATOR: Sir, forgive me. You could  
7 have done it if you had said, "In conclusion."  
8 Forgive me, sir.

9               MR. MIKE WEBSTER: In conclusion, I would  
10 like to say thank you.

11               THE MODERATOR: Thank you, sir.

12               Help me be sure that was Nos. 1 through  
13 40. 1 through 40 have been heard.

14               I'll ask 41 to the microphone, please.

15               MR. NORM SAMANKO: Good morning. My name is  
16 he Norm Samanko. I'm executive director and general  
17 counsel for the Idaho Water Users Association and

18 also serve as president and counsel for the  
19 Coalition of Right to Water, a broad-based group in  
20 Idaho serving to protect our water.  
21 Secretary, I appreciate you being here,  
22 and the others on the panel. I guess we'll hold out  
23 to you today as a tremendous example of cooperative  
24 conservation the Snake River water rights settlement  
25 of 2004.

0093

1 And on the banks of the Boise River,  
2 almost two-and-a-half years ago now, then Governor  
3 Kempthorne and then Secretary Norton announced an  
4 historic agreement that had as twin goals preserving  
5 endangered, threatened salmon species and protecting  
6 Idaho's water supplies.

7 And I guess that's what I ask you to  
8 focus on today, our cooperative conservation efforts  
9 that can balance the environment and our economy.

10 What made that agreement work? The fact  
11 that we had levels of government looking at your  
12 local strengthening shared governance. We had  
13 levels of governance from the political subdivision,  
14 which is the water districts, the water districts in  
15 Idaho that are responsible for administering water,  
16 all the way up through the State and to the Federal  
17 government.

18 And they worked together for a number of  
19 years to arrive at that agreement. That was a key  
20 in that agreement going forward.

21 It was embraced by Congress.

22 Secretary Kempthorne, you said that at  
23 the time that if the water users and those that were  
24 involved in the agreement could come to an  
25 agreement, you would carry it to Washington, D.C.

0094

1 And our Congressmen and our Senators embraced that  
2 and were able to get it approved at the end of 2004  
3 in Congress.

4 It is has now gone forward to be  
5 approved by the state legislator where folks had  
6 opportunities through hours and hours of hearings to  
7 provide comments and has survived that scrutiny and  
8 was made stronger from that public scrutiny.

9 It also survived the process in its  
10 first try approving it, as well as, of course, as I  
11 said, Congress.

12 Now we all need to focus as partners in  
13 the next several months as the agreement is under  
14 attack from outside forces, those who choose not to  
15 participate in cooperative conservation in this  
16 instance, but choose instead to engage in that third  
17 branch of Government, the Judiciary.

18 We'll all need to stand together for the  
19 30-year term of that agreement to make sure it  
20 survives. We hope it will, because we think it's a  
21 tremendous example, and we, again, commend it to  
22 you.

23 Thank you for coming to Boise.  
24 THE MODERATOR: Thank you, sir.  
25 No. 42, please. 42? Please, sir.

0095

1 MR. BILL WEELAND: Thank you.  
2 My name is Bill Weeland. I'm with the  
3 Idaho Chapter of Nature Conservancy, and I'm honored  
4 that you'd spend the time listening to us today.  
5 I want to give a practitioner's  
6 perspective on cooperative conservation, because the  
7 nature of conservancy's job is to put conservation  
8 on the ground through partnerships.  
9 And this work takes a lot of different  
10 forms. You've already heard many this morning. We  
11 have field crews out doing weed treatments and sage  
12 grouse projects with local working groups.  
13 When you were Governor, Mr. Secretary,  
14 we cofounded an invasive species plan and assessment  
15 for the state of Idaho. We are a grantee and  
16 cooperator with the office of species conservation  
17 and have removed barriers in the Upper Salmon River  
18 country. And we have for the last five years been a  
19 member of the Owyhee initiative.  
20 And out of that set of experiences,  
21 we've learned a lot. And I can tell you that it's  
22 not easy work. It's been humbling and it's been  
23 hard. And if it's not keeping you up at night,  
24 you're not doing it right.

25 So I want to dwell for a moment on some  
0096

1 of our failures, because I think in thinking about  
2 when we have not done this work well, we can learn  
3 some of the lessons that are generally applicable to  
4 cooperative conservation.

5 We have not succeeded when we have put  
6 ourselves at the center of the issue and when we  
7 define our values as the ones that are primary in  
8 the dialogue that we have with others.

9 And we have not done well when we have  
10 focussed on outcomes that we define. And we've not  
11 done well when we've developed a set of procedures  
12 or processes that are rigid and failed to include  
13 people of different perspectives.

14 So I think that experience of the Nature  
15 Conservancy is probably one that also applies to  
16 this.

17 When we have done well, it is through  
18 establishing relationships with people and spending  
19 more time listening to their concerns and exercising  
20 leadership and, just as importantly, recognizing  
21 leadership in others. And many of those leaders are  
22 in the room today.

23 So thank you again. Those are my  
24 comments.

25 THE MODERATOR: Thank you, sir.

0097

1 No. 43? No. 43 is invited to the

2 microphone.

3 44 is invited.

4 45? No. 45, sir?

5 MR. TED HOFFMAN: 46.

6 THE MODERATOR: 46. You're welcome to the  
7 microphone, please.

8 MR. TED HOFFMAN: Secretary Kempthorne, other  
9 distinguished panelists, my name is Ted Hoffman.  
10 I'm a veterinarian and rancher from Mountain Home,  
11 Idaho.

12 I've been involved in cooperative  
13 conservation efforts from wolves, to the Owyhee  
14 initiative working group, slick spot peppergrass,  
15 co-chairman of the Rangeland Committee for Idaho.  
16 I've got a cooperative monitoring agreement with the  
17 B.L.M. and I'm working with N.R.C.S. on three  
18 conservation agreements on our ranch.

19 These experiences lead me to conclude  
20 that there won't be any successful cooperation with  
21 the Federal Government and Federal agencies unless  
22 they get out of the business of resource management  
23 by regulation alone.

24 Resource management is as much art as  
25 science. Bureaucracies just don't do art.

0098

1 Regulatory bureaucracies don't do it at all. Art  
2 can't be regulated. It can only inspired and  
3 motivated.

4 The N.R.C.S. is nonregulatory. They can  
5 make good things happen on the ground by educating  
6 and motivating people.

7 Regulatory agencies just have the  
8 mindset of keeping bad things from happening. And  
9 in today's environment, they just keep everything  
10 from happening on the ground.

11 Unfortunately, the regulatory agencies  
12 don't do science anymore either. So most  
13 destructive words in the Endangered Species Act are  
14 used to the best available commercial and scientific  
15 information.

16 This has apparently corrupted all  
17 agencies' ability to recognize substantial evidence  
18 or conclusive evidence.

19 Now, don't get me wrong. There are lots  
20 of very capable, competent professional people in  
21 Federal agencies. And this administration has done  
22 a good job to try and move those people into  
23 positions of responsibility. But they will and they  
24 have failed. And they'll continue to do so for a  
25 number of factors.

0099

1 First and foremost, the E.S.A. and the  
2 National Environmental Policy Act have been  
3 absolutely overworked and overwhelmed with  
4 paperwork, and they can't focus on the real issues  
5 that are before them.

6 These acts also allow the botanists and

7 biologists and recreation specialists the  
8 opportunity to control what becomes part of the  
9 record for these decisions. So the decisions are  
10 either manipulated to support their agenda or  
11 manipulated so that the agency can't defend them in  
12 court.

13 And when the agency gets to court, they  
14 always lose. The Department of Justice has an  
15 amazing record in this regard here in Idaho and  
16 elsewhere.

17 I don't paint this bleak picture because  
18 I don't support cooperative conservation. I do. I  
19 just want to make you aware that broad-sweeping  
20 fundamental changes are required if there's to be  
21 any. Those changes I will address in my written  
22 comments.

23 Thank you.

24 THE MODERATOR: Thank you, sir.

25 No. 47?

0100

1 48?

2 If I may at this point ask another show  
3 of hands for those who remain to comment.

4 Might I invite you to cluster around the  
5 microphone. We can speed things along. Not that  
6 we're trying to expedite matter, but it makes it  
7 easier for you all as well to get to the microphone.

8 I think I did 48.

9 49?

10 50? 50. Please, sir.

11 UNIDENTIFIED SPEAKER: Thank you.

12 And I want to thank the group here for  
13 this public hearing and am very sincere in that,  
14 because it is really impressive that you would be  
15 willing to spend this amount of time on the public.

16 This summer I went to a Communities in  
17 Motion hearing for COMPAS (phonetic) at the County  
18 courthouse and was greeted with two clerks from the  
19 transportation department and a tape recorder. And  
20 this is really something I think that the public  
21 appreciates.

22 Our Boise River is more valuable, in my  
23 view, than the risks of mining a relatively small  
24 amount of gold. Our city and this generation, I  
25 think, have less -- are leaving a legacy of a Green

0101

1 Belt, our beautiful Boise river. As mayor, you  
2 participated in that.

3 And this is something that I think 100  
4 years from now people will say how wise our  
5 generation was in preserving this river.

6 Now we face a risk to it, as well as the  
7 upper parts of the river, with this Atlanta gold  
8 mine proposal.

9 I fished the middle fork and the south  
10 fork probably, you know, 20, 30 times. It was  
11 something that I especially did when my kids were

12 younger. We enjoyed it, and I rafted and  
13 inner-tubed the river probably 100 times here in the  
14 Boise area.

15           And I'm very surprised at how little  
16 gold really is to be extracted from this mining  
17 operation. I'm also surprised at the amount of  
18 cyanide and other materials that have to be used in  
19 that process.

20           There is not really a national need for  
21 this small amount of gold, and there is no need to  
22 put our environment at risk.

23           I hope that you will work to protect the  
24 Boise River and pass whatever legislation is needed  
25 so that we can balance the interests of a precious

0102

1 commodity such as our Green Belt and our river  
2 against the relatively small amount of gold to be  
3 produced.

4           Thank you very much.

5           THE MODERATOR: Thank you sir.

6           No. 51? Thank you, sir.

7           MR. BRUCE ACKERMAN: Good morning. Thank you  
8 for meeting with us.

9           My name is Bruce Ackerman. I live in  
10 Boise. I'm the President of the Golden Eagle  
11 Audobon Society, which is the local chapter of the  
12 National Audobon Society in Southwest Idaho. We  
13 have over 700 members in this area who are  
14 conservationists, bird watchers, and others  
15 interested in protecting the natural habitats of the  
16 birds and wildlife.

17           Idaho is home to an incredible variety  
18 of birds and wildlife, scenery, habitats, and clean  
19 rivers. Most of the people in Idaho choose to live  
20 here because of the great environment, the quality  
21 of life, and the outdoor recreation opportunities  
22 such as hunting, fishing, and wildlife viewing.

23           Our Audobon members are no different.  
24 Audobon stands for protecting these natural habitats  
25 and ensuring that the birds and other wildlife

0103

1 populations in Idaho will be protected into the  
2 distant future.

3           In fact, the National Audobon Society  
4 has been in existence for over 100 years, and  
5 originally started protecting endangered birds and  
6 public lands for wildlife before there was a fish  
7 and wildlife service or an Endangered Species Act.

8           Audobon members are asking the Bush  
9 administration to not undo longstanding protections  
10 for endangered and threatened species throughout the  
11 U.S. and to not remove protection for sensitive  
12 habitats in Idaho.

13           For almost 40 years the Endangered  
14 Species Act has been a success story and protected  
15 wildlife on the brink of extinction, including a  
16 number of species right here in Idaho. Some that

17 come to mind there have been the bald eagle, the  
18 peregrine falcon, the trumpeter swan, the grizzly  
19 bear, and the species of the Pacific salmon.  
20 These species would not be present  
21 without the Endangered Species Act. The grey wolf  
22 has been reintroduced to Idaho and has now come back  
23 to where it can be downlisted from endangered  
24 status. This is another success story.

25 The Endangered Species Act must not be  
0104

1 weakened but it should be strengthened and improved.  
2 Cooperative conservation is not a substitute for  
3 good, effective laws. Cooperative efforts are very  
4 important, but only if we preserve the protections  
5 of the Endangered Species Act.

6 Also, regarding the bills currently  
7 before Congress to create wilderness areas in the  
8 White Clouds and Owyhee Mountains, Audobon strongly  
9 supports the creation of these wilderness areas. We  
10 request that public lands not be given away in the  
11 process and that the existing rules for Federal  
12 wilderness areas not be weakened.

13 These and other roadless areas in Idaho  
14 need to be protected and not opened up for  
15 developments or short-sighted goals.

16 Thank you.

17 THE MODERATOR: Thank you, sir.

18 No. 52?

19 53? Thank you, ma'am.

20 MS. JUDY DANIELS: Thank you very much.

21 Can you hear me?

22 THE MODERATOR: Yes, ma'am. Or even do the  
23 Oprah thing.

24 MS. JUDY DANIELS: If you can hear me.

25 Thank you very much for coming,

0105

1 Secretary Kempthorne. It's so good to have you  
2 back.

3 Senator Crapo, thank you.

4 Director Lohn, it's good so see you  
5 again.

6 And Assistant Secretary, nice to see  
7 you.

8 My comments will be probably the full  
9 two minutes or so. But more bullets, and then I  
10 will follow up with more expanding comments.

11 The E.S.A. is mostly my focus, and it  
12 will focus mostly on the salmon issue that is  
13 occurring in our region. I am with -- I am Judy  
14 Daniels, Northwest Power Council, and I only  
15 represent the Idaho office with my comments.

16 E.S.A. is a great tool for listing. It  
17 has not been as successful for recovery. We could  
18 name on one hand most of those. But it is a great  
19 tool for listing.

20 We now need to move on in the next  
21 generation with the recovery and the benefits to the



22 region as well as the country. I'm deeply concerned  
23 with the court participation at this point in E.S.A.  
24 I'm concerned that all of the "H's," in  
25 particular with the salmon, be dealt with: in

0106

1 particular, harvest and hatcheries, which the  
2 administration had spoken to earlier in the year,  
3 and its impact; the salmon buyout and its effect on  
4 the sturgeon buyout, for instance. We dueling  
5 species and dueling science at that point.  
6 I'm concerned with the environmental  
7 impacts as well as the economic impacts in the  
8 Northwest. I think that all of the science that  
9 should be used should be peer-reviewed and should be  
10 a qualitative product. I'm looking for cooperative  
11 efforts.

12 We need to have intellectual honesty in  
13 this region as well as the country when we deal with  
14 these things.

15 Removing the four Snake River dams, in  
16 my opinion -- and I've said this before -- is  
17 nothing but a red herring until we deal with the  
18 other "H's" such as harvest and hatcheries.

19 The Upper Snake buyout, very concerned  
20 about that. I do not think that more water, because  
21 that has been scientifically -- we have already done  
22 that until the withdrawals in the Columbia River are  
23 dealt with.

24 Am I done?

25 THE MODERATOR: Go on. You're close.

0107

1 MS. JUDY DANIELS: Real quick comment about  
2 the sockeye. Those are a very precious fish to  
3 Idaho. They travel over 900 miles to get here. We  
4 must remember that those were poisoned in the '50s  
5 and '60s, all but Redfish Lake and another lake.  
6 That's why they're short. And how many times can we  
7 catch them before they're considered mortality?

8 THE MODERATOR: Thank you, ma'am. I  
9 appreciate it. Please do leave your additional  
10 comments in the box. Thank you, ma'am.

11 No. 54, please?

12 55?

13 56?

14 I'll go on to 57. Great. Thank you,  
15 ma'am.

16 MS. JESSICA LODAL: All right. Good  
17 afternoon, everybody.

18 My name is Jessica Lodal, L-o-d-a-l, and  
19 I am a senior at Bora High School. I guess I'm here  
20 representing the future generation.

21 All right. First of all, I would like  
22 to thank you all, as everyone else has done, because  
23 I really appreciate you doing these listening  
24 sessions. But I also hope that positive change will  
25 come from them.

0108

1 I can freely admit that I don't have all  
2 the answers. But I agree that years of litigation  
3 are not going to bring the change we need. Actions  
4 speak louder than words.

5 And at Bora, we are committed to  
6 actively making a difference. I'm only 17 and I  
7 can't vote yet, but I can volunteer in my community.

8 For years students at Bora have planted  
9 trees, maintained wildlife habitat, and cleaned up  
10 the Boise River. As I said, I'm not here to give  
11 you the answers. I'm here to challenge each and  
12 every one of you to make an effort.

13 Progress is made in small steps by  
14 ordinary citizens, and progress is what we need  
15 right now. I want thank the Idaho Department of  
16 Fish and Game for providing us with these volunteer  
17 opportunities.

18 Making laws is not a complete answer.  
19 Action is a solution, and this department  
20 understands that. I can could even challenge the  
21 people on this panel right now, get in touch with  
22 the Idaho Department of Fish and Game. You can do  
23 something as easy as the Boise River sweep. Spend  
24 an afternoon cleaning up the Boise River and you  
25 will understand what it means to be environmentally

0109  
1 active.

2 It's really easy to say that you care  
3 about the environment, that you love what we have in  
4 Idaho, and that it is precious. But it is hard to  
5 prove it. So I challenge everyone to prove that  
6 they care about the environment.

7 Like I said, I'm here to represent the  
8 future generation. We young people at Bora are  
9 committed to making a difference. I'm out there  
10 volunteering and doing what I can. And  
11 Mr. Zabriski, our teacher, is a great asset in  
12 that. We work with Idaho Fish and Game, and they're  
13 the brains. They have these great volunteering  
14 opportunities, and they allow us to get involved and  
15 help better our environment.

16 My challenge is this: Do as we're doing  
17 at Bora and strive to leave the world better than  
18 you found it. It's a simple goal, but it has  
19 widespread implications. I want a habitable earth  
20 for my children, and I'm going to make that happen.

21 Thank you.

22 THE MODERATOR: Thank you, ma'am.

23 Might I show a hands of remaining  
24 commenters.

25 Just one?

0110

1 Please, sir. Welcome.

2 Two?

3 No panic. You'll all get to the  
4 microphone. But locate yourselves, if I might  
5 invite, in the proximity of the microphone.

6 Please, sir, go ahead.  
7 MR. WYATT CALLOWAY: Thank you, sir.  
8 My name is Wyatt Calloway. I'm a  
9 private citizen from Boise, Idaho. And I represent  
10 a solution to the rangeland problems, specifically  
11 range degradation, the invasive species, plants, and  
12 insect problem.  
13 The solution could be broadly lumped  
14 under the title of biodynamic agriculture, quantum  
15 agriculture, and quantum field broadcasting. This  
16 is a solution that would not require more money, but  
17 actually would require less money than is presently  
18 being wasted on the problems.  
19 Government agencies and conventional  
20 science and industry, especially the agri-chemical  
21 industries, are not the solution. They are  
22 powerless to stop the problem. They actually make  
23 the problem worse in many cases.  
24 An example is that \$100 million lawsuit  
25 that B.L.M. cost the taxpayers from misusing the  
0111 herbicide ous, and there are many other examples.  
2 In my opinion -- I'm going to take this  
3 opportunity. There are a lot of you in the room.  
4 In my experience, environmentalists are not the  
5 solution either. They're not truly interested in  
6 range and forest health. They have a very hidden  
7 agenda of really wanting to eliminate cattle,  
8 mining, ranchers, hunting, guns, jobs, and freedom  
9 itself if they can.  
10 They hate ranching and mining and  
11 farming, and they love regulations more than they  
12 love nature. And if they don't like that  
13 characterization, then they can prove it by coming  
14 forward and backing some real solutions.  
15 As I said, no more money is needed.  
16 What's needed is courage and leadership and  
17 imagination from you folks.  
18 And by the way, I have approached your  
19 staffs about this, all of them. And I have been  
20 referred to B.L.M. and other agencies where I hit --  
21 especially at B.L.M., where I have been treated very  
22 badly. And I've been treated well by some  
23 bureaucrats.  
24 For further information on biodynamics,  
25 you can go to Mr. Hugh Lovel of the Union  
0112 Agricultural Institute; Dr. Phil Wheeler,  
2 biophysicist with Crop Services International;  
3 Dr. Elaine Eega, Oregon State and the Soil Food Web;  
4 the large organization and website Acres U.S.A.; and  
5 the large website and organization Biodynamics.org.  
6 Again, gentlemen, the solutions exist.  
7 And I am here to ask Republicans to put the "can" in  
8 Republican and take away the "Republican't."  
9 Thank you, sir. Do the solution.

10 THE MODERATOR: Thank you very much.  
11 Next presenter, please. Next presenter  
12 to the microphone. Perhaps the final, or two.  
13 That's very kind.  
14 Thank you, ma'am.  
15 MS. ELAINE WASHEM: I'm Elaine Washem from  
16 Bora High School. I'm one of Mr. Zabriski's  
17 students. And my suggestion is quite simple.  
18 I represent, like Jessica, the future of  
19 America. And we cannot do anything about what we do  
20 not know. So my suggestion is that we simply have  
21 more classes like Mr. Zabriski throughout the  
22 nation. We need more teachers that get us involved  
23 in volunteer work.  
24 And in his class we have to do volunteer  
25 work twice a semester. And I think that that's a  
0113  
1 really good requirement. Basically, we need more  
2 Mr. Zabriskis throughout the nation.  
3 Thank you very much for listening.  
4 THE MODERATOR: Thank you, ma'am.  
5 Next presenter, please. Please, sir.  
6 MR. ZABRINSKI: No more of me.  
7 I'd like to first thank NOAA, to let you  
8 know that NOAA has embraced our ideas here with the  
9 Idaho Department of Fishing and Game and Bora High  
10 School in granting us a community restoration  
11 project funding. So thank you for that.  
12 It's obvious that we have a lot of  
13 passionate issues here. It's obvious there's a lot  
14 of concerns and people are vested because they're  
15 here. But I would echo the conservation gentleman's  
16 comments that when we are so close to issues at  
17 times, we can't detach long enough to really analyze  
18 the impact of the future.  
19 And I'm going to encourage you to really  
20 step back out of the world you're assigned now,  
21 assume yourself as somebody else from another  
22 perspective and consider what these kids are going  
23 to do.  
24 You and I are not going to be here that  
25 much longer. The legacy is what they inherit, and  
0114  
1 your decisions now are essentially the stewardship  
2 for that future.  
3 Thank you.  
4 THE MODERATOR: Thank you, sir.  
5 Any other comments? Last call for  
6 comments. Last call for comments. Seeing none.  
7 An important part of this meeting has  
8 become final observations by the panelists.  
9 At this point I'd like to invite  
10 Mr. Lohn to the podium and give his observations and  
11 his final thoughts.  
12 Mr. Lohn, please.  
13 MR. LOHN: First of all, thank you  
14 collectively for your insight, for the

15 overwhelmingly civil way in which you've engaged  
16 these issues, but most of all for the inspiration  
17 that comes from people stepping up not so much with  
18 problems -- and we realize we need to hear them --  
19 but also with the hope and in many instances the  
20 solutions by which those problems will be addressed.

21         So much to take back, including some  
22 wonderful quotations presented here today. And  
23 thank you for your time and effort this morning.

24         THE MODERATOR: Thank you, sir.

25         Now Assistant Secretary Allred.

0115

1         Thank you, sir.

2         MR. ALLRED: Well, this has been a great  
3 experience for me to listen to you and to listen to  
4 your views. And I think it's amazing to me, and I  
5 wish everybody in that place where I'm going could  
6 listen to the enthusiasm for people cooperating  
7 together to find joint solutions. I intend to take  
8 that message back there and I really appreciate  
9 being here.

10         THE MODERATOR: Thank you, sir.

11         And now Secretary Kempthorne.

12         Thank you, sir.

13         SECRETARY KEMPTHORNE: Dan, thank you for a  
14 fine job as moderator.

15         THE MODERATOR: You're welcome.

16         SECRETARY KEMPTHORNE: Thank you to our  
17 reporter who is here.

18         Those who are signing, I sure appreciate  
19 that.

20         When I was in Maine, one of the  
21 individuals in the audience made the comment they  
22 were never more proud to be from Maine than they  
23 were during that session.

24         I think that's true of today. The very,  
25 very professional way by which many different views

0116

1         were expressed.

2         I appreciated Bob's comment that he  
3 jotted down some good quotes here. So I did I. You  
4 may see them at some point later.

5         A few comments. To the students that  
6 are here, I appreciate the fact that you stayed the  
7 whole session. That's -- and is school out today?

8         MS. JESSICA LODAL: We got to get back.

9         SECRETARY KEMPTHORNE: Do you? Well, you  
10 ought to get extra credit.

11         But you made the point about volunteers,  
12 about things that you have done. It's tremendous to  
13 be able to point to an example right here in Boise.

14         We have other examples across the  
15 country where you have families and children that  
16 come forward and are planting trees or planting  
17 maybe grass that's growing. They're doing great  
18 things.

19                   We had a national forum about young  
20 people and nature. We're seeing a decline in the  
21 number of young people that are enjoying their  
22 outdoors. In fact, it's somewhat dramatic. And so  
23 we want to do all at that we possibly can.

24                   One of the points I made with a group of  
25 environmental leaders that I met in office two weeks

0117

1 ago is isn't it ironic we may find these areas that  
2 we can cooperate and go do good things together only  
3 to have forgotten to bring along the next  
4 generation. So we need to have that connectivity.  
5 And you're a wonderful example of that occurring.

6                   My friends from the Shoshone-Paiutes,  
7 the Department of the Interior has responsibility  
8 for 561 tribes in Indian country. And I take that  
9 as a very serious responsibility.

10                  Again, the great tribes that we have  
11 here in Idaho have given us some not only  
12 friendships, but good opportunities to do so. I  
13 remember on one occasion also at the Three Island  
14 Crossing, which is an annual event -- some of you  
15 have been to that -- I remember Terry Gibson, who is  
16 the chairman of the Shoshone-Paiute Business  
17 Council, saying, "I don't know why you do this every  
18 year, spend the entire day crossing this river.  
19 There's a bridge just 2 miles from here." Terry is  
20 a wonderful man and does great things.

21                  You see the process. This is, in  
22 essence, a town-hall meeting where we were able to  
23 sit. You made some very good comments. We  
24 established a record. You have heard one another's  
25 comments. You duplicate this by the 24 other cities

0118

1 where we held this and you can imagine when we first  
2 had this idea as a notion that we're now going to go  
3 out across the United States, and yet we've  
4 completed it. I mean, the job is done.

5                   It does mean we're better off for it.  
6 I'm more educated because of the process. I've  
7 heard from great citizens.

8                   One of the points that was made about if  
9 we could reduce the duplication of the process, the  
10 permits. We have heard that, and that's one of the  
11 things that we are working on with the different  
12 agencies in the Cabinet.

13                  Ruth, we will have somebody follow up  
14 with you in Grays Lake on the trumpeter swan.

15                  And also to the Doyles, I'm certainly  
16 sensitive to the issue of the human aspect of this,  
17 both in your instance -- Pat, you made the point  
18 with regard to the firefighters. I mean, we have  
19 the finest firefighters, and yet we have seen the  
20 sacrifice where they have lost life. So we very  
21 much aware of that.

22                  The invasive species: I truly believe

23 that's something that we need to keep a great focus  
24 on because it's a real issue that we have to deal  
25 with.

0119

1 It's interesting as I've traveled  
2 around, about a week ago or 10 days ago I had a  
3 listening session. Governor Bush was with us for  
4 that session. The day before I had toured The  
5 Everglades. I had never been there before. You can  
6 imagine touring the Everglades -- and some of you  
7 may have, some of you have seen the pictures, but  
8 you do it by these air boats with the big jet  
9 engines on the back and they skim across the water.

10 You think, How does all this relate?  
11 And yet it comes down to water in that situation.  
12 They need to be reconnected with water. They need  
13 to have a supply of water.

14 We think of the water being just  
15 pertinent to the West. It is pertinent throughout  
16 the United States. So these water issues will  
17 continue to grow in their importance. And we  
18 appreciate your attention to that, as well as the  
19 tribal claims and how we continue to work with that.

20 I thought Jim Caswell give a very good  
21 presentation of examples of how this works and is  
22 supposed to work.

23 With that, I would just thank all of you  
24 for the time you've taken on a holiday to join us to  
25 help expand this record so that we can go through

0120

1 and make this a meaningful process.

2 And I was at one session -- it was not a  
3 listening session; it was a different reason -- but  
4 I was there and there was some folks that were just  
5 pretty adamant about their views on the Federal  
6 Government.

7 It was kind of, you know, "You Federal  
8 people," et cetera, et cetera. And I kind of  
9 listened, and then I just reminded myself. I said,  
10 you know, "I've been here five months." I actually  
11 left the United States Senate because I believe in  
12 the states' rights. I'm back because the President  
13 asked me to come serve in this capacity.

14 But our first common denominator is we  
15 are all citizens. And if as citizens we can sit and  
16 listen to one another, reason together, this great  
17 nation in which we're citizens and the states that  
18 combine to make this nation and the communities, we  
19 will all be far better for it.

20 You've demonstrated that today. So here  
21 in Idaho, you should be awfully proud of yourselves  
22 as well. Thanks very much.

23 (Applause.)

24 THE MODERATOR: Safe travels, please. And  
25 this listening session is adjourned.

0121

1 (Session concluded at 12:32 p.m.)

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REPORTER'S CERTIFICATE

I, JEFF LaMAR, CSR No. 640, Certified  
Shorthand Reporter, certify:

That the foregoing Listening Session was  
taken before me at the time and place therein set  
forth.

That the foregoing is a true and correct  
record of the Listening Session, to the best of my  
ability.

IN WITNESS WHEREOF, I set my hand and  
seal this \_\_\_\_\_ day of \_\_\_\_\_, 2006.

\_\_\_\_\_  
JEFF LaMAR, CSR NO. 640

Notary Public

Eagle, Idaho 83616

My commission expires December 30, 2011